

AMENDED IN ASSEMBLY AUGUST 6, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN ASSEMBLY JUNE 17, 2014

AMENDED IN SENATE APRIL 23, 2014

AMENDED IN SENATE APRIL 10, 2014

SENATE BILL

No. 1168

Introduced by Senator Pavley

(Principal coauthor: Assembly Member Dickinson)

(Coauthor: Assembly Member Rendon)

February 20, 2014

An act to amend Sections 65352 and 65352.5 of, and to add Section 65350.5 to, the Government Code, and to amend Sections 348, 1120, 1552, 1831, 10927, 10933, and 12924 of, to add Sections 113, 1529.5, and 10750.1 to, to add Part 5.2 (commencing with Section 5200) to Division 2 of, and to add Part 2.74 (commencing with Section 10720) to Division 6 of, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater management.

(1) The California Constitution requires the reasonable and beneficial use of water. Existing law establishes various state water policies, including the policy that the people of the state have a paramount interest in the use of all the water of the state and that the state is required to determine what water of the state, surface and underground, can be converted to public use or be controlled for public protection.

This bill would state the policy of the state that groundwater resources be managed sustainably for long-term ~~water supply~~ reliability and

multiple economic, social, ~~or~~ and environmental benefits for current and future beneficial uses. This bill would state that sustainable groundwater management is best achieved locally through the development, implementation, and updating of plans and programs based on the best available science.

(2) Existing law requires the Department of Water Resources, in conjunction with other public agencies, to conduct an investigation of the state's groundwater basins and to report its findings to the Legislature not later than January 1, 2012, and thereafter in years ending in 5 and 0. Existing law requires the department to identify the extent of monitoring of groundwater elevations that is being undertaken within each basin or subbasin and to prioritize groundwater basins and subbasins.

This bill would require the department, in consultation with the Department of Fish and Wildlife, to identify and develop prioritization criteria for the purpose of identifying groundwater basins and subbasins that should be prioritized based on adverse impacts to habitat and surface water resources. This bill would require the department to categorize each basin as high-, medium-, low-, or very low priority and would require the initial priority for each basin to be established no later than January 1, 2017. This bill would authorize a local agency to request that the department revise the boundaries of a basin. This bill would require the department to provide a copy of its draft revision of a basin's boundaries to the California Water Commission and would require the commission to hear and comment on the draft revision.

(3) Existing law authorizes local agencies to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, preparing and implementing a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill, *with certain exceptions*, would prohibit, beginning January 1, 2015, a new groundwater management plan from being adopted or an existing groundwater management plan from being ~~renewed, except for a low- or very low-priority basin.~~ *renewed.*

This bill would require, by January 31, 2020, all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources to be managed under a groundwater sustainability

plan or coordinated groundwater sustainability ~~plans of a groundwater sustainability agency; plans,~~ with specified exceptions. This bill would require a groundwater sustainability plan to be developed and implemented to meet the sustainability goal, established as prescribed, and would require the plan to include prescribed components. ~~This bill would require a groundwater sustainability agency to certify to the department that its plan complies with the requirements of the act no later than January 31, 2020, and every 5 years thereafter.~~ This bill would encourage and authorize basins designated as low- or very low priority basins to be managed under groundwater sustainability plans.

This bill would authorize any local agency, as defined, or combination of local agencies to elect to be a groundwater sustainability agency and would require, within 30 days of electing to be or forming a groundwater sustainability agency, the groundwater sustainability agency to inform the department of its election or formation and its intent to undertake sustainable groundwater management. This bill would provide that a county within which an area unmanaged by a groundwater sustainability agency lies is presumed to be the groundwater sustainability agency for that area and would require the county to provide a prescribed notification to the department. This bill would provide specific authority to a groundwater sustainability agency, including, but not limited to, the ability to require registration of a groundwater extraction facility, to require that a groundwater extraction facility be measured with a water-measuring device, to regulate groundwater ~~pumping,~~ *extraction,* and to impose certain fees.

This bill would authorize the department or a groundwater sustainability agency to provide technical assistance to entities that extract or use groundwater to promote water conservation and protect groundwater resources. This bill would require the department, by January 1, 2017, to publish on its Internet Web site best management practices for the sustainable management of groundwater.

This bill would require a groundwater sustainability agency to submit a groundwater sustainability plan to the department for review upon ~~completion.~~ *adoption.* This bill would require the department to periodically review groundwater sustainability plans, and by June 1, 2016, would require the department, in consultation with the State Water Resources Control Board, to develop ~~guidelines for evaluating groundwater sustainability plans and groundwater sustainability programs.~~ *certain guidelines.* This bill would authorize a local agency to submit to the department for evaluation and assessment an alternative

~~plan that is not a groundwater sustainability plan that the local agency believes satisfies the objectives of these provisions as a functional equivalent. This bill would provide that a basin is in compliance with these provisions if a groundwater agency or other local agency submits to the department, no later than January 31, 2020, a copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin or a prescribed report that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years.~~ *provisions.* This bill would require the department to review any of the above-described submissions at least every 5 years after initial submission to the department. This bill would require the department to adopt a schedule of fees to recover costs incurred.

This bill would authorize a groundwater sustainability agency and the board to conduct inspections and would authorize a groundwater sustainability agency or the board to obtain an inspection warrant. Because the willful refusal of an inspection lawfully authorized by an inspection warrant is a misdemeanor, this bill would impose a state-mandated local program by expanding the application of a crime.

This bill would authorize the board to designate a basin as a probationary basin, if the board makes a certain determination. This bill would authorize the board to develop an interim plan for a probationary basin if the board, in consultation with the department, determines that a local agency has not remedied a deficiency that resulted in designating the basin as a probationary basin within a certain timeframe. This bill would authorize the board to adopt an interim plan for a probationary basin after notice and a public hearing and would require state entities to comply with an interim plan. This bill would specifically authorize the board to rescind all or a portion of an interim plan if the board determines at the request of specified petitioners that a groundwater sustainability plan or adjudication action is adequate to eliminate the condition of long-term overdraft or condition where groundwater extractions result in significant depletions of interconnected surface waters. This bill would provide that the board has authority to stay its proceedings relating to an interim plan or to rescind or amend an interim plan based on the progress made by a groundwater sustainability agency or in an adjudication action.

Existing

(4) *Existing* law establishes the Water Rights Fund, which consists of various fees and penalties. The moneys in the Water Rights Fund

are available, upon appropriation by the Legislature, for, *among other things*, the administration of the ~~board's~~ State Water Resources Control Board's water rights program.

This bill would provide that the money in the Water Rights Fund is available for expenditure, upon appropriation by the Legislature, for the purpose of state board enforcement of the provisions of this bill. This bill would require the board to adopt a schedule of fees in an amount sufficient to recover all costs incurred and expended from the Water Rights Fund for the purpose of administering the above-described provisions: by the board for this bill.

Under existing law, a person who violates a cease and desist order of the board may be liable in an amount not to exceed \$1,000 for each day in which the violation occurs. Revenue generated from these penalties is deposited in the Water Rights Fund.

This bill would authorize the board to issue a cease and desist order in response to a violation or threatened violation of ~~the above-described provisions~~: any decision or order of the board or any extraction restriction, limitation, order, or regulation adopted or issued under the provisions of this bill.

(5) Existing law, with certain exceptions, requires each person who diverts water after December 31, 1965, to file with the State Water Resources Control Board a prescribed statement of diversion and use. Existing law subjects a person to civil liability if that person fails to file, as required, a diversion and use statement for a diversion or use that occurs after January 1, 2009, tampers with any measuring device, or makes a material misstatement in connection with the filing of a diversion or use statement. Existing law provides that the making of any willful misstatement in connection with these provisions is a misdemeanor punishable as prescribed.

This bill would establish groundwater reporting requirements to the board or certain other entity for a person extracting groundwater in an area within a basin that is not within the management area of a groundwater sustainability agency or a probationary basin. This bill would require each report to be accompanied by a specified fee. This bill would apply the above-described criminal and civil liability provisions to a report or measuring device required by this reporting requirement. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the board or the Department of Water Resources to adopt emergency regulations providing for the filing of reports of water diversion or use that are required to be filed.

This bill would authorize the board or the department to adopt emergency regulations providing for the filing of reports of water extraction.

~~(4)~~

(6) Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city with specified elements, including, among others, land use and conservation elements. Existing law requires a city or county, upon the adoption or revision of its general plan, on or after January 1, 1996, to utilize as a source document any urban water management plan submitted to the city or county by a water agency.

This bill would require, prior to the adoption or any substantial amendment of a general plan, the planning agency to review and consider a groundwater sustainability plan, groundwater management plan, groundwater management court order, judgment, or decree, adjudication of water rights, or a certain order ~~of~~ *or interim plan* by the State Water Resources Control Board. This bill would require the planning agency to refer a proposed action to adopt or substantially amend a general plan to any groundwater sustainability agency that has adopted a groundwater sustainability plan or local agency that otherwise manages groundwater and to the State Water Resources Control Board if it has adopted an interim plan that includes territory within the planning area.

Existing law requires a public water system to provide a planning agency with certain information upon receiving notification of a city's or a county's proposed action to adopt or substantially amend a general plan.

This bill would also require a public water system to provide a report on the anticipated effect of the proposed action on implementation of a groundwater sustainability plan. This bill would require a groundwater sustainability agency to provide the planning agency with certain information as is appropriate and relevant.

By imposing new duties on a city or county, this bill would impose a state-mandated local program.

~~(5) This bill would state the intent of the Legislature to subsequently amend this measure to adopt extraction reporting requirements for basins~~

~~identified by the State Water Resources Control Board as probationary basins or basins without a groundwater sustainability agency.~~

~~(6)~~

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~(7)~~

(8) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares as follows:

2 (1) The people of the state have a primary interest in the
3 protection, management, and reasonable beneficial use of the water
4 resources of the state, both surface and underground, and that the
5 integrated management of the state's water resources is essential
6 to meeting its water management goals.

7 (2) Groundwater provides a significant portion of California's
8 water supply. Groundwater accounts for more than one-third of
9 the water used by Californians in an average year and more than
10 one-half of the water used by Californians in a drought year when
11 other sources are unavailable.

12 (3) Excessive groundwater ~~pumping~~ *extraction* can cause
13 overdraft, failed wells, deteriorated water quality, environmental
14 damage, and irreversible land subsidence that damages
15 infrastructure and diminishes the capacity of aquifers to store water
16 for the future.

1 (4) When properly managed, groundwater resources will help
2 protect communities, farms, and the environment against prolonged
3 dry periods and climate change, preserving water supplies for
4 existing and potential beneficial use.

5 (5) Failure to manage groundwater to prevent long-term
6 overdraft infringes on groundwater rights.

7 (6) Groundwater resources are most effectively managed at the
8 local or regional level.

9 (7) Groundwater management will not be effective unless local
10 actions to sustainably manage groundwater basins and subbasins
11 are taken.

12 (8) Local and regional agencies need to have the necessary
13 support and authority to manage groundwater sustainably.

14 (9) In those circumstances where a local groundwater
15 management agency is not managing its groundwater sustainably,
16 the state needs to protect the resource until it is determined that a
17 local groundwater management agency can sustainably manage
18 the groundwater basin or subbasin.

19 (10) Information on the amount of groundwater extraction,
20 natural and artificial recharge, and groundwater evaluations are
21 critical for effective management of groundwater.

22 (11) Sustainable groundwater management in California depends
23 upon creating more opportunities for robust conjunctive
24 management of surface water *and groundwater* resources. Climate
25 change will intensify the need to recalibrate and reconcile surface
26 *water* and groundwater management strategies.

27 (b) It is therefore the intent of the Legislature to do all of the
28 following:

29 (1) To provide local and regional agencies the authority to
30 sustainably manage groundwater.

31 (2) To provide that if no local groundwater agency or agencies
32 provide sustainable groundwater management for a groundwater
33 basin or subbasin, the state has the authority to develop and
34 implement a ~~groundwater sustainability~~ *an interim* plan until the
35 time the local groundwater ~~management sustainability~~ agency or
36 agencies can assume management of the basin or subbasin.

37 (3) To require the development and reporting of those data
38 necessary to support sustainable groundwater management,
39 including those data that help describe the basin's geology, the
40 short- and long-term trends of the basin's water balance, and other

1 measures of sustainability, and those data necessary to resolve
2 disputes regarding sustainable yield, beneficial uses, and water
3 rights.

4 (4) To respect overlying and other proprietary rights to
5 groundwater.

6 SEC. 2. Section 65350.5 is added to the Government Code, to
7 read:

8 65350.5. Before the adoption or any substantial amendment
9 of a city's or county's general plan, the planning agency shall
10 review and consider all of the following:

11 (a) An adoption of, or update to, a groundwater sustainability
12 plan or groundwater management plan pursuant to Part 2.74
13 (commencing with Section 10720) or Part 2.75 (commencing with
14 Section 10750) of Division 6 of the Water Code or groundwater
15 management court order, judgment, or decree.

16 (b) An adjudication of water rights.

17 (c) An order *or interim plan* by the State Water Resources
18 Control Board pursuant to Chapter 11 (commencing with Section
19 10735) of Part 2.74 of Division 6 of the Water Code.

20 SEC. 3. Section 65352 of the Government Code is amended
21 to read:

22 65352. (a) Before a legislative body takes action to adopt or
23 substantially amend a general plan, the planning agency shall refer
24 the proposed action to all of the following entities:

25 (1) A city or county, within or abutting the area covered by the
26 proposal, and any special district that may be significantly affected
27 by the proposed action, as determined by the planning agency.

28 (2) An elementary, high school, or unified school district within
29 the area covered by the proposed action.

30 (3) The local agency formation commission.

31 (4) An areawide planning agency whose operations may be
32 significantly affected by the proposed action, as determined by the
33 planning agency.

34 (5) A federal agency, if its operations or lands within its
35 jurisdiction may be significantly affected by the proposed action,
36 as determined by the planning agency.

37 (6) (A) The branches of the United States Armed Forces that
38 have provided the Office of Planning and Research with a
39 California mailing address pursuant to subdivision (d) of Section
40 65944, if the proposed action is within 1,000 feet of a military

1 installation, or lies within special use airspace, or beneath a
2 low-level flight path, as defined in Section 21098 of the Public
3 Resources Code, and if the United States Department of Defense
4 provides electronic maps of low-level flight paths, special use
5 airspace, and military installations at a scale and in an electronic
6 format that is acceptable to the Office of Planning and Research.

7 (B) Within 30 days of a determination by the Office of Planning
8 and Research that the information provided by the Department of
9 Defense is sufficient and in an acceptable scale and format, the
10 office shall notify cities, counties, and cities and counties of the
11 availability of the information on the Internet. Cities, counties, and
12 cities and counties shall comply with subparagraph (A) within 30
13 days of receiving this notice from the office.

14 (7) A public water system, as defined in Section 116275 of the
15 Health and Safety Code, with 3,000 or more service connections,
16 that serves water to customers within the area covered by the
17 proposal. The public water system shall have at least 45 days to
18 comment on the proposed plan, in accordance with subdivision
19 (b), and to provide the planning agency with the information set
20 forth in Section 65352.5.

21 (8) Any groundwater sustainability agency that has adopted a
22 groundwater sustainability plan pursuant to Part 2.74 (commencing
23 with Section 10720) of Division 6 of the Water Code or local
24 agency that otherwise manages groundwater pursuant to other
25 provisions of law or a court order, judgment, or decree within the
26 planning area of the proposed general plan.

27 (9) The State Water Resources Control Board, if it has adopted
28 an interim plan pursuant to ~~Part 2.74 (commencing with Section~~
29 ~~10720)~~ *Chapter 11 (commencing with Section 10735) of Part 2.74*
30 of Division 6 of the Water Code that includes territory within the
31 planning area of the proposed general plan.

32 (10) The Bay Area Air Quality Management District for a
33 proposed action within the boundaries of the district.

34 (11) A California Native American tribe, that is on the contact
35 list maintained by the Native American Heritage Commission and
36 that has traditional lands located within the city's or county's
37 jurisdiction.

38 (12) The Central Valley Flood Protection Board, for a proposed
39 action within the boundaries of the Sacramento and San Joaquin
40 Drainage District, as set forth in Section 8501 of the Water Code.

1 (b) An entity receiving a proposed general plan or amendment
2 of a general plan pursuant to this section shall have 45 days from
3 the date the referring agency mails it or delivers it to comment
4 unless a longer period is specified by the planning agency.

5 (c) (1) This section is directory, not mandatory, and the failure
6 to refer a proposed action to the entities specified in this section
7 does not affect the validity of the action, if adopted.

8 (2) To the extent that the requirements of this section conflict
9 with the requirements of Chapter 4.4 (commencing with Section
10 65919), the requirements of Chapter 4.4 shall prevail.

11 SEC. 4. Section 65352.5 of the Government Code is amended
12 to read:

13 65352.5. (a) The Legislature finds and declares that it is vital
14 that there be close coordination and consultation between
15 California's water supply or management agencies and California's
16 land use approval agencies to ensure that proper water supply and
17 management planning occurs to accommodate projects that will
18 result in increased demands on water supplies or impact water
19 resource management.

20 (b) It is, therefore, the intent of the Legislature to provide a
21 standardized process for determining the adequacy of existing and
22 planned future water supplies to meet existing and planned future
23 demands on these water supplies and the impact of land use
24 decisions on the management of California's water supply
25 resources.

26 (c) Upon receiving, pursuant to Section 65352, notification of
27 a city's or a county's proposed action to adopt or substantially
28 amend a general plan, a public water system, as defined in Section
29 116275 of the Health and Safety Code, with 3,000 or more service
30 connections, shall provide the planning agency with the following
31 information, as is appropriate and relevant:

32 (1) The current version of its urban water management plan,
33 adopted pursuant to Part 2.6 (commencing with Section 10610)
34 of Division 6 of the Water Code.

35 (2) The current version of its capital improvement program or
36 plan, as reported pursuant to Section 31144.73 of the Water Code.

37 (3) A description of the source or sources of the total water
38 supply currently available to the water supplier by water right or
39 contract, taking into account historical data concerning wet, normal,
40 and dry runoff years.

1 (4) A description of the quantity of surface water that was
2 purveyed by the water supplier in each of the previous five years.

3 (5) A description of the quantity of groundwater that was
4 purveyed by the water supplier in each of the previous five years.

5 (6) A description of all proposed additional sources of water
6 supplies for the water supplier, including the estimated dates by
7 which these additional sources should be available and the
8 quantities of additional water supplies that are being proposed.

9 (7) A description of the total number of customers currently
10 served by the water supplier, as identified by the following
11 categories and by the amount of water served to each category:

12 (A) Agricultural users.

13 (B) Commercial users.

14 (C) Industrial users.

15 (D) Residential users.

16 (8) Quantification of the expected reduction in total water
17 demand, identified by each customer category set forth in paragraph
18 (7), associated with future implementation of water use reduction
19 measures identified in the water supplier's urban water
20 management plan.

21 (9) Any additional information that is relevant to determining
22 the adequacy of existing and planned future water supplies to meet
23 existing and planned future demands on these water supplies.

24 (10) A report on the anticipated effect of proposed action to
25 adopt or substantially amend a general plan on implementation of
26 a groundwater sustainability plan pursuant to Part 2.74
27 (commencing with Section 10720) of Division 6 of the Water
28 Code.

29 (d) Upon receiving, pursuant to Section 65352, notification of
30 a city's or a county's proposed action to adopt or substantially
31 amend a general plan, a groundwater sustainability agency, as
32 defined in ~~Section 10720.5~~ 10721 of the Water Code, shall provide
33 the planning agency with the following information, as is
34 appropriate and relevant:

35 (1) The current version of its groundwater sustainability plan
36 adopted pursuant to Part 2.74 (commencing with Section 10720)
37 of Division 6 of the Water Code.

38 (2) If the groundwater sustainability agency manages
39 groundwater pursuant to a court order, judgment, decree, or
40 agreement among affected water rights holders, or if the State

1 Water Resources Control Board has adopted a groundwater
2 sustainability *an interim* plan pursuant to ~~Part 2.74 (commencing~~
3 ~~with Section 10720) Chapter 11 (commencing with Section 10735)~~
4 *of Part 2.74* of Division 6 of the Water Code, the groundwater
5 sustainability agency shall provide the planning agency with maps
6 of recharge basins and percolation ponds, extraction limitations,
7 and other relevant information, or the court order, judgment, or
8 decree.

9 SEC. 5. Section 113 is added to the Water Code, to read:

10 113. It is the policy of the state that groundwater resources be
11 managed sustainably for long-term water supply reliability and
12 multiple economic, social, ~~or~~ *and* environmental benefits for
13 current and future beneficial uses. Sustainable groundwater
14 management is best achieved locally through the development,
15 implementation, and updating of plans and programs based on the
16 best available science.

17 SEC. 6. Section 348 of the Water Code is amended to read:

18 348. (a) The department or the board may adopt emergency
19 regulations providing for the electronic filing of reports of *water*
20 *extraction or* water diversion or use required to be filed with the
21 department or board under this code, including, but not limited to,
22 any report required to be filed under Part 5.1 (commencing with
23 Section 5100) *or Part 5.2 (commencing with Section 5200)* of
24 Division 2 and any report required to be filed by a water right
25 permittee or licensee.

26 (b) Emergency regulations adopted pursuant to this section, or
27 any amendments thereto, shall be adopted by the department or
28 the board in accordance with Chapter 3.5 (commencing with
29 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
30 Code. The adoption of these regulations is an emergency and shall
31 be considered by the Office of Administrative Law as necessary
32 for the immediate preservation of the public peace, health, safety,
33 and general welfare. Notwithstanding Chapter 3.5 (commencing
34 with Section 11340) of Part 1 of Division 3 of Title 2 of the
35 Government Code, any emergency regulations or amendments to
36 those regulations adopted under this section shall remain in effect
37 until revised by the department or the board that adopted the
38 regulations or amendments.

39 ~~SEC. 6.~~

40 SEC. 7. Section 1120 of the Water Code is amended to read:

1 1120. This chapter applies to any decision or order issued under
2 this part or Section 275, Part 2 (commencing with Section 1200),
3 Part 2 (commencing with Section 10500) of Division 6, Chapter
4 11 (commencing with Section 10735) of Part 2.74 of Division 6,
5 Article 7 (commencing with Section 13550) of Chapter 7 of
6 Division 7, or the public trust doctrine.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 1529.5 is added to the Water Code, to read:

9 1529.5. (a) The board shall adopt a schedule of fees pursuant
10 to Section 1530 to recover costs incurred in administering Chapter
11 11 (commencing with Section 10735) of Part 2.74 of Division 6.
12 Recoverable costs include, but are not limited to, costs incurred
13 in connection with investigations, facilitation, monitoring, hearings,
14 enforcement, and administrative costs in carrying out these actions.

15 (b) The fee schedule adopted under this section may include,
16 but is not limited to, the following:

17 (1) A fee for participation as a petitioner or party to an
18 adjudicative proceeding.

19 (2) A fee for the filing of a report pursuant to Part 5.2
20 (commencing with Section 5200) of Division 2 ~~for extractions~~
21 ~~from a source within the boundaries of a probationary basin under~~
22 ~~Section 10735.2.~~ 2.

23 (c) Consistent with Section 3 of Article XIII A of the California
24 Constitution, the board shall set the fees under this section in an
25 amount sufficient to cover all costs incurred and expended from
26 the Water Rights Fund for the ~~purpose of~~ *purposes of Part 5.2*
27 *(commencing with Section 5200) and Chapter 11 (commencing*
28 *with Section 10735) of Part 2.74 of Division 6.* In setting these
29 fees, the board is not required to fully recover these costs in the
30 year or the year immediately after the costs are incurred, but the
31 board may provide for recovery of these costs over a period of
32 years.

33 *SEC. 9.* Section 1552 of the Water Code is amended to read:

34 1552. The money in the Water Rights Fund is available for
35 expenditure, upon appropriation by the Legislature, for the
36 following purposes:

37 (a) For expenditure by the State Board of Equalization in the
38 administration of this chapter and the Fee Collection Procedures
39 Law (Part 30 (commencing with Section 55001) of Division 2 of

1 the Revenue and Taxation Code) in connection with any fee or
2 expense subject to this chapter.

3 (b) For the payment of refunds, pursuant to Part 30 (commencing
4 with Section 55001) of Division 2 of the Revenue and Taxation
5 Code, of fees or expenses collected pursuant to this chapter.

6 (c) For expenditure by the board for the purposes of carrying
7 out this division, Division 1 (commencing with Section 100), Part
8 2 (commencing with Section 10500) *and Chapter 11 (commencing*
9 *with Section 10735) of Part 2.74 of Division 6, and Article 7*
10 *(commencing with Section 13550) of Chapter 7 of Division 7.*

11 (d) For expenditures by the board for the purposes of carrying
12 out Sections 13160 and 13160.1 in connection with activities
13 involving hydroelectric power projects subject to licensing by the
14 Federal Energy Regulatory Commission.

15 (e) For expenditures by the board for the purposes of carrying
16 out Sections 13140 and 13170 in connection with plans and policies
17 that address the diversion or use of water.

18 ~~SEC. 8.~~

19 *SEC. 10.* Section 1831 of the Water Code is amended to read:

20 1831. (a) When the board determines that any person is
21 violating, or threatening to violate, any requirement described in
22 subdivision (d), the board may issue an order to that person to
23 cease and desist from that violation.

24 (b) The cease and desist order shall require that person to comply
25 forthwith or in accordance with a time schedule set by the board.

26 (c) The board may issue a cease and desist order only after
27 notice and an opportunity for hearing pursuant to Section 1834.

28 (d) The board may issue a cease and desist order in response to
29 a violation or threatened violation of any of the following:

30 (1) The prohibition set forth in Section 1052 against the
31 unauthorized diversion or use of water subject to this division.

32 (2) Any term or condition of a permit, license, certification, or
33 registration issued under this division.

34 (3) Any decision or order of the board issued under this part,
35 Section 275, Chapter 11 (commencing with Section 10735) of Part
36 2.74 of Division 6, or Article 7 (commencing with Section 13550)
37 of Chapter 7 of Division 7, in which decision or order the person
38 to whom the cease and desist order will be issued, or a predecessor
39 in interest to that person, was named as a party directly affected
40 by the decision or order.

1 (4) A regulation adopted under Section 1058.5.

2 (5) Any ~~pumping~~ *extraction* restriction, limitation, order, or
3 regulation adopted or issued under Chapter 11 (commencing with
4 Section 10735) of Part 2.74 of Division 6.

5 (e) This article does not authorize the board to regulate in any
6 manner, the diversion or use of water not otherwise subject to
7 regulation of the board under this division or Section 275.

8 ~~SEC. 9.~~

9 *SEC. 11.* Part 5.2 (commencing with Section 5200) is added
10 to Division 2 of the Water Code, to read:

11
12 PART 5.2. GROUNDWATER EXTRACTION REPORTING
13 FOR PROBATIONARY BASINS AND BASINS WITHOUT A
14 GROUNDWATER SUSTAINABILITY AGENCY
15

16 ~~5200. It is the intent of the Legislature to subsequently amend~~
17 ~~this measure to adopt extraction reporting requirements for basins~~
18 ~~identified as probationary basins pursuant to Section 10735.2, or~~
19 ~~as authorized by subdivision (b) of Section 10724, for basins~~
20 ~~without a groundwater sustainability agency.~~

21 *5200. The Legislature finds and declares that this part*
22 *establishes groundwater reporting requirements for the purposes*
23 *of subdivision (b) of Section 10724 and Chapter 11 (commencing*
24 *with Section 10735) of Part 2.74 of Division 6.*

25 *5201. As used in this part:*

26 (a) “Basin” has the same meaning as defined in Section 10721.

27 (b) “Board-designated local area” has the same meaning as
28 defined in Section 5009.

29 (c) “De minimis extractor” has the same meaning as defined
30 in Section 10721.

31 (d) “Groundwater” has the same meaning as defined in Section
32 10721.

33 (e) “Groundwater extraction facility” has the same meaning
34 as defined in Section 10721.

35 (f) “Groundwater sustainability agency” has the same meaning
36 as defined in Section 10721.

37 (g) “Person” has the same meaning as defined in Section 10735.

38 (h) “Probationary basin” has the same meaning as defined in
39 Section 10735.

1 (i) “Personal information” has the same meaning as defined
2 in Section 1798.3 of the Civil Code.

3 (j) “Water year” has the same meaning as defined in Section
4 10721.

5 5202. (a) This section applies to a person who does either of
6 the following:

7 (1) Extracts groundwater from a probationary basin 90 days
8 or more after the board designates the basin as a probationary
9 basin pursuant to Section 10735.2.

10 (2) Extracts groundwater on or after January 1, 2017, in an
11 area within a basin that is not within the management area of a
12 groundwater sustainability agency and where the county does not
13 assume responsibility to be the groundwater sustainability agency,
14 as provided in subdivision (b) of Section 10724.

15 (b) Except as provided in subdivision (c), a person subject to
16 this section shall file a report of groundwater extraction by
17 December 15 of each year for extractions made in the preceding
18 water year.

19 (c) Unless reporting is required pursuant to paragraph (2) of
20 subdivision (c) of Section 10735.2, this section does not apply to
21 any of the following:

22 (1) An extraction by a de minimis extractor.

23 (2) An extraction excluded from reporting pursuant to paragraph
24 (1) of subdivision (c) of Section 10735.2.

25 (3) An extraction reported pursuant to Part 5 (commencing with
26 Section 4999).

27 (4) An extraction that is included in annual reports filed with
28 a court or the board by a watermaster appointed by a court or
29 pursuant to statute to administer a final judgment determining
30 rights to water. The reports shall identify the persons who have
31 extracted water and give the general place of use and the quantity
32 of water that has been extracted from each source.

33 (d) Except as provided in Section 5209, the report shall be filed
34 with the board.

35 (e) The report may be filed by the person extracting water or
36 on that person’s behalf by an agency that person designates and
37 that maintains a record of the water extracted.

38 (f) Each report shall be accompanied by the fee imposed
39 pursuant to Section 1529.5.

1 5203. Each report shall be prepared on a form provided by
2 the board. The report shall include all of the following information:

3 (a) The name and address of the person who extracted
4 groundwater and of the person filing the report.

5 (b) The name of the basin from which groundwater was
6 extracted.

7 (c) The place of groundwater extraction. The location of the
8 groundwater extraction facilities shall be depicted on a specific
9 United States Geological Survey topographic map or shall be
10 identified using the California Coordinate System or a latitude
11 and longitude measurement. If assigned, the public land description
12 to the nearest 40-acre subdivision and the assessor's parcel
13 number shall be provided.

14 (d) The capacity of the groundwater extraction facilities.

15 (e) Monthly records of groundwater extractions. The
16 measurements of the extractions shall be made by a methodology,
17 water-measuring device, or combination thereof satisfactory to
18 the board.

19 (f) The purpose of use.

20 (g) A general description of the area in which the water was
21 used. The location of the place of use shall be depicted on a specific
22 United States Geological Survey topographic map or on any other
23 maps with identifiable landmarks. If assigned, the public land
24 description to the nearest 40-acre subdivision and the assessor's
25 parcel number shall also be provided.

26 (h) As near as is known, the year in which the groundwater
27 extraction was commenced.

28 (i) Any information required pursuant to paragraph (3) of
29 subdivision (c) of Section 10735.2.

30 (j) Any other information that the board may require by
31 regulation and that is reasonably necessary for purposes of this
32 division or Part 2.74 (commencing with Section 10720) of Division
33 6.

34 5204. (a) If a person fails to file a report as required by this
35 part, the board may, at the expense of that person, investigate and
36 determine the information required to be reported pursuant to this
37 part.

38 (b) The board shall give a person described in subdivision (a)
39 notice of its intention to investigate and determine the information

1 *required to be reported pursuant to this part and 60 days in which*
2 *to file a required report without penalty.*

3 *5205. A report submitted under this part or a determination*
4 *of facts by the board pursuant to Section 5104 shall not establish*
5 *or constitute evidence of a right to divert or use water.*

6 *5206. Personal information included in a report of groundwater*
7 *extraction shall have the same protection from disclosure as is*
8 *provided for information concerning utility customers of local*
9 *agencies pursuant to Section 6254.16 of the Government Code.*

10 *5207. (a) A prescriptive right to extract groundwater that may*
11 *otherwise occur shall not arise or accrue to, and a statute of*
12 *limitations shall not operate in favor of, a person required to file*
13 *a report pursuant to this part until the person files the report.*

14 *(b) For purposes of establishing or maintaining a water right,*
15 *failure to file a report required to be filed pursuant to this part*
16 *within six months after the report is due shall be deemed equivalent*
17 *to nonuse during the period for which the report was required.*

18 *5208. Section 5107 applies to a report or measuring device*
19 *required pursuant to this part. For purposes of Section 5107, a*
20 *report of groundwater extraction, measuring device, or*
21 *misstatement required, used, or made pursuant to this part shall*
22 *be considered the equivalent of a statement, measuring device, or*
23 *misstatement required, used, or made pursuant to Part 5.1*
24 *(commencing with Section 5100).*

25 *5209. For groundwater extractions in a board-designated local*
26 *area, reports required pursuant to this part shall be submitted to*
27 *the entity designated pursuant to subdivision (e) of Section 5009*
28 *if both of the following occur:*

29 *(a) The board determines that the requirements of subdivision*
30 *(e) of Section 5009 have been satisfied with respect to extractions*
31 *subject to reporting pursuant to this part, in addition to any*
32 *groundwater extractions subject to Part 5 (commencing with*
33 *Section 4999).*

34 *(b) The designated entity has made satisfactory arrangements*
35 *to collect and transmit to the board any fees imposed pursuant to*
36 *paragraph (2) of subdivision (b) of Section 1529.5.*

37 ~~SEC. 10.~~

38 *SEC. 12. Part 2.74 (commencing with Section 10720) is added*
39 *to Division 6 of the Water Code, to read:*

PART 2.74. SUSTAINABLE GROUNDWATER
MANAGEMENT

CHAPTER 1. GENERAL PROVISIONS

10720. This part shall be known, and may be cited, as the
“Sustainable Groundwater Management Act.”

10720.1. In enacting this part, it is the intent of the Legislature
to do all of the following:

(a) To provide for the sustainable management of groundwater
basins.

(b) To enhance local management of groundwater consistent
with rights to use or store groundwater and Section 2 of Article X
of the California Constitution. It is the intent of the Legislature to
preserve the security of water rights in the state to the greatest
extent possible consistent with the sustainable management of
groundwater.

(c) To establish minimum standards for sustainable groundwater
management.

(d) To provide local groundwater agencies with the authority
and the technical and financial assistance necessary to sustainably
manage groundwater.

(e) To avoid or minimize subsidence.

(f) To improve data collection and understanding about
groundwater.

(g) To increase groundwater storage and remove impediments
to recharge.

(h) To manage groundwater basins through the actions of local
governmental agencies to the greatest extent feasible, while
minimizing state intervention to only when necessary to ensure
that local agencies manage groundwater in a sustainable manner.

10720.3. (a) This part applies to all groundwater basins in the
state.

(b) To the extent authorized under federal or tribal law, this part
applies to an Indian tribe and to the federal government, including,
but not limited to, the Department of Defense.

10720.5. Groundwater management pursuant to this part shall
be consistent with Section 2 of Article X of the California
Constitution. Nothing in this part modifies rights or priorities to
use or store groundwater consistent with Section 2 of Article X of

the California Constitution, except that in basins designated medium- or high-priority basins by the department, no extraction of groundwater between January 1, 2015, and the date of adoption of a groundwater sustainability plan pursuant to this part, whichever is sooner, may be used as evidence of, or to establish or defend against, any claim of prescription.

~~10720.7. Subject to Chapter 6 (commencing with Section 10725), by~~ By January 31, 2020, all basins designated as high- or medium-priority basins by the department shall be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans pursuant to this part. The Legislature encourages and authorizes basins designated as low-and very low priority basins by the department to be managed under groundwater sustainability plans pursuant to this part.

10720.9. (a) Except as provided in ~~Section 10733.6, subdivision (d),~~ this part does not apply to *the following adjudicated areas* or a local agency that conforms to the requirements of an adjudication of water rights ~~in a groundwater basin or to that adjudicated basin. For purposes of this section, an adjudication includes an adjudication under Section 2101, an administrative adjudication, and an adjudication in state or federal court, including, but not limited to,~~ *for one of the following adjudicated groundwater basins: areas:*

- (1) Beaumont Basin.
- (2) Brite Basin.
- (3) Central Basin.
- (4) Chino Basin.
- (5) Cucamonga Basin.
- (6) Cummings Basin.
- (7) Goleta Basin.
- (8) ~~Main San Gabriel Basin: Puente Narrows. Basin.~~
- (9) Mojave Basin Area.
- (10) Puente Basin.
- (11) Raymond Basin.
- (12) San Jacinto Basin.
- (13) Santa Margarita River Watershed.
- (14) Santa Maria Valley Basin.
- (15) Santa Paula Basin.
- (16) Scott River Stream System.
- (17) Seaside Basin.

- 1 (18) Six Basins.
- 2 (19) Tehachapi Basin.
- 3 (20) Upper Los Angeles River Area.
- 4 (21) Warren Valley Basin.
- 5 (22) West Coast Basin.
- 6 (23) Western San Bernardino.

7 (b) The Antelope Valley basin at issue in the Antelope Valley
8 Groundwater Cases (Judicial Council Coordination Proceeding
9 Number 4408) shall be treated as an adjudicated basin pursuant to
10 this section if the superior court issues a final judgment, order, or
11 decree.

12 *(c) If an adjudication action has determined the rights to extract*
13 *groundwater for only a portion of a basin, subdivisions (a) and*
14 *(b) apply only within the area for which the adjudication action*
15 *has determined those rights.*

16 *(d) The watermaster or a local agency within a basin identified*
17 *in subdivision (a) shall do all of the following:*

18 *(1) By January 1, 2016, submit to the department a copy of a*
19 *governing final judgment, or other judicial order or decree, and*
20 *any amendments entered before January 1, 2016.*

21 *(2) Within 90 days of entry by a court, submit to the department*
22 *a copy of any amendment made and entered by the court to the*
23 *governing final judgment or other judicial order or decree on or*
24 *after January 1, 2016.*

25 *(3) By January 1, 2016, and annually by January 1 of each year*
26 *thereafter, submit to the department a report containing the*
27 *following information for the portion of the basin subject to the*
28 *adjudication:*

29 *(A) Groundwater elevation data.*

30 *(B) Annual aggregated data identifying groundwater extraction*
31 *for the preceding water year.*

32 *(C) Surface water supply used for or available for use for*
33 *groundwater recharge or in-lieu use.*

34 *(D) Total water use.*

35 *(E) Change in groundwater storage.*

36 CHAPTER 2. DEFINITIONS

37
38
39 10721. Unless the context otherwise requires, the following
40 definitions govern the construction of this part:

1 (a) “Adjudication action” means an action filed in the superior
2 *or federal district* court to determine the rights to extract
3 groundwater from a basin or store water within a basin, including,
4 but not limited to, actions to quiet title respecting rights to extract
5 or store groundwater or an action brought to impose a physical
6 solution on a basin.

7 (b) “Basin” means a groundwater basin or subbasin identified
8 and defined in Bulletin 118 or as modified pursuant to Chapter 3
9 (commencing with Section 10722).

10 (c) “Bulletin 118” means the department’s report entitled
11 “California’s Groundwater: Bulletin 118” updated in 2003, as it
12 may be subsequently updated or revised in accordance with Section
13 12924.

14 (d) “Coordination agreement” means a legal agreement adopted
15 between two or more groundwater sustainability agencies that
16 provides the basis for coordinating multiple agencies or
17 groundwater sustainability plans within a basin pursuant to this
18 part.

19 (e) “De-minimis *minimis* extractor” means a person who
20 extracts, for domestic purposes, two acre-feet or less per year.

21 (f) “Governing body” means the legislative body of a
22 groundwater sustainability agency.

23 (g) “Groundwater” means water beneath the surface of the earth
24 within the zone below the water table in which the soil is
25 completely saturated with water, but does not include water that
26 flows in known and definite channels.

27 (h) “Groundwater extraction facility” means a device or method
28 for extracting groundwater from within a basin.

29 (i) “Groundwater recharge” means the augmentation of
30 groundwater, by natural or artificial means.

31 (j) “Groundwater sustainability agency” means one or more
32 local agencies that implement the provisions of this part. For
33 purposes of imposing fees pursuant to Chapter 8 (commencing
34 with Section 10730) or taking action to enforce a groundwater
35 sustainability plan, “groundwater sustainability agency” also means
36 each local agency comprising the groundwater sustainability
37 agency if the plan authorizes separate agency action.

38 (k) “Groundwater sustainability plan” or “plan” means a plan
39 of a groundwater sustainability agency proposed or adopted
40 pursuant to this part.

1 (l) “Groundwater sustainability program” means a coordinated
2 and ongoing activity undertaken to benefit a basin, pursuant to a
3 groundwater sustainability plan.

4 (m) “Local agency” means a local public agency that has water
5 supply, water management, or land use responsibilities within a
6 groundwater basin.

7 (n) “Operator” means a person operating a groundwater
8 extraction facility. The owner of a groundwater extraction facility
9 shall be conclusively presumed to be the operator unless a
10 satisfactory showing is made to the governing body of the
11 groundwater sustainability agency that the groundwater extraction
12 facility actually is operated by some other person.

13 (o) “Owner” means a person owning a groundwater extraction
14 facility or an interest in a groundwater extraction facility other
15 than a lien to secure the payment of a debt or other obligation.

16 (p) “Planning and implementation horizon” means a 50-year
17 time period over which a groundwater sustainability agency
18 determines that plans and measures will be implemented in a basin
19 to ensure that the basin is operated within its sustainable yield.

20 (q) “Public water system” has the same meaning as defined in
21 Section 116275 of the Health and Safety Code.

22 (r) “Recharge area” means the area that supplies water to an
23 aquifer in a groundwater basin.

24 (s) “Sustainability goal” means the existence and implementation
25 of one or more groundwater sustainability plans that achieve
26 sustainable groundwater management by identifying and causing
27 the implementation of measures targeted to ensure that the
28 applicable basin is operated within its sustainable yield.

29 (t) “Sustainable groundwater management” means the
30 management and use of groundwater in a manner that can be
31 maintained during the planning and implementation horizon
32 without causing undesirable results.

33 (u) “Sustainable yield” means the maximum quantity of water,
34 calculated over a base period representative of long-term conditions
35 in the basin and including any temporary surplus, that can be
36 withdrawn annually from a groundwater supply without causing
37 an undesirable result.

38 (v) “Undesirable result” means one or more of the following
39 effects ~~occurring after January 1, 2015, and~~ caused by groundwater
40 conditions occurring throughout the basin:

(1) Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation ~~horizon, excluding lowering groundwater levels caused by a drought horizon.~~ *Overdraft during a period of drought is not sufficient to establish a chronic lowering of groundwater levels if extractions and recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.*

(2) Significant and unreasonable reduction of groundwater storage.

(3) Significant seawater intrusion.

(4) Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.

(5) Significant land subsidence that substantially interferes with surface land uses.

(6) Surface water depletions that have significant adverse impacts on beneficial uses.

(w) “Water budget” means an accounting of the total groundwater and surface water entering and leaving a basin including the changes in the amount of water stored.

(x) “Watermaster” means a watermaster appointed by a court or pursuant to other law.

(y) “Water year” means the period from October 1 through the following September 30, inclusive.

(z) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

CHAPTER 3. BASIN BOUNDARIES

10722. Unless other basin boundaries are established pursuant to this chapter, a basin’s boundaries shall be as identified in Bulletin 118.

10722.2. (a) A local agency may request that the department revise the boundaries of a basin, including the establishment of new subbasins. A local agency’s request shall be supported by the following information:

1 (1) Information demonstrating that the proposed adjusted basin
2 can be the subject of sustainable groundwater management.

3 (2) Technical information regarding the boundaries of, and
4 conditions in, the proposed adjusted basin.

5 (3) Information demonstrating that the entity proposing the
6 basin boundary adjustment consulted with interested local agencies
7 and public water systems in the affected basins before filing the
8 proposal with the department.

9 (4) Other information the department deems necessary to justify
10 revision of the basin's boundary.

11 (b) By January 1, 2016, the department shall develop and publish
12 guidelines regarding the information required to comply with
13 subdivision (a). The guidelines required pursuant to this subdivision
14 are exempt from Chapter 3.5 (commencing with Section 11340)
15 of Part 1 of Division 3 of Title 2 of the Government Code.

16 (c) The department shall provide a copy of its draft revision of
17 a basin's boundaries to the California Water Commission. The
18 California Water Commission shall hear and comment on the draft
19 revision within 60 days after the department provides the draft
20 revision to the commission.

21 10722.4. (a) Pursuant to Section 10933, for the purposes of
22 this part the department shall categorize each basin as one of the
23 following priorities:

24 (1) High priority.

25 (2) Medium priority.

26 (3) Low priority.

27 (4) Very low priority.

28 (b) The initial priority for each basin shall be established by the
29 department pursuant to Section 10933 no later than January 1,
30 2017.

31 (c) *Anytime the department updates Bulletin 118 boundaries*
32 *pursuant to subdivision (b) of Section 12924, the department shall*
33 *reassess the prioritization pursuant to Section 10933.*

34 (d) *Anytime the department changes the basin priorities pursuant*
35 *to Section 10933, if a basin is elevated to a medium or high priority*
36 *basin after January 1, 2015, a local agency shall have two years*
37 *from the date of reprioritization to establish a groundwater*
38 *sustainability agency pursuant to Chapter 4 (commencing with*
39 *Section 10723) and five years from the date of reprioritization to*

1 *adopt a groundwater sustainability plan pursuant to Chapter 6*
2 *(commencing with Section 10727).*

3
4 CHAPTER 4. ESTABLISHING GROUNDWATER SUSTAINABILITY
5 AGENCIES
6

7 10723. (a) Any local agency or combination of local agencies
8 may elect to be a groundwater sustainability agency.

9 (b) Before electing to be a groundwater sustainability agency,
10 and after publication of notice pursuant to Section 6066 of the
11 Government Code, the local agency or agencies shall hold a public
12 hearing in the county or counties overlying the basin.

13 10723.2. The groundwater sustainability agency shall consider
14 the interests of all beneficial uses and users of groundwater, as
15 well as those responsible for implementing groundwater
16 sustainability plans. These interests include, but are not limited to,
17 all of the following:

- 18 (a) Holders of overlying groundwater rights, including:
19 (1) Agricultural users.
20 (2) Domestic well owners.
21 (b) Municipal well operators.
22 (c) Public water systems.
23 (d) Local land use planning agencies.
24 (e) Environmental users of groundwater.
25 (f) Surface water users, if there is a hydrologic connection
26 between surface and groundwater bodies.
27 (g) The federal government, including, but not limited to, the
28 military and managers of federal lands.

29 (h) ~~Indian~~ *California Native American* tribes.

30 10723.4. The groundwater sustainability agency shall establish
31 and maintain a list of persons interested in receiving notices
32 regarding plan preparation, meeting announcements, and
33 availability of draft plans, maps, and other relevant documents.
34 Any person may request, in writing, to be placed on the list of
35 interested persons.

36 10723.6. A combination of local agencies may form a
37 groundwater sustainability agency by using any of the following
38 methods:

- 39 (a) A joint powers agreement.
40 (b) A memorandum of agreement or other legal agreement.

1 10723.8. Within 30 days of electing to be or forming a
2 groundwater sustainability agency, the groundwater sustainability
3 agency shall inform the department of its election or formation
4 and its intent to undertake sustainable groundwater management.
5 The notification shall include the following information, as
6 applicable:

7 (a) The service area boundaries, the basin the agency is
8 managing, and the other groundwater sustainability agencies
9 operating within the basin.

10 (b) A copy of the resolution forming the new agency.

11 (c) A copy of the bylaws, ordinances, and new authorities.

12 10724. (a) In the event that there is an area within a basin that
13 is not within the management area of a groundwater sustainability
14 agency, the county within which that unmanaged area lies will be
15 presumed to be the groundwater sustainability agency for that area.

16 (b) A county described in subdivision (a) shall provide
17 notification to the department pursuant to Section 10723.8 unless
18 the county notifies the department that it will not be the
19 groundwater sustainability agency for the area. Extractions of
20 groundwater made ~~after 2016~~ *on or after January 1, 2017*, in that
21 area shall be subject to reporting in accordance with Part 5.2
22 (commencing with Section 5200) of Division 2 if the county does
23 either of the following:

24 (1) Notifies the department that it will not be the groundwater
25 sustainability agency for an area.

26 (2) Fails to provide notification to the department pursuant to
27 Section 10723.8 for an area on or before January 1, 2017.

28 CHAPTER 5. POWERS AND AUTHORITIES

29
30
31 10725. (a) A groundwater sustainability agency may exercise
32 any of the powers described in this chapter in implementing this
33 part, in addition to, and not as a limitation on, any existing
34 authority, if the groundwater sustainability agency adopts and
35 submits to the department a groundwater sustainability plan or
36 prescribed alternative documentation in accordance with Section
37 10733.6.

38 (b) A groundwater sustainability agency has and may use the
39 powers in this chapter to provide the maximum degree of local

1 control and flexibility consistent with the sustainability goals of
2 this part.

3 10725.2. (a) A groundwater sustainability agency may perform
4 any act necessary or proper to carry out the purposes of this part.

5 (b) A groundwater sustainability agency may adopt rules,
6 regulations, ordinances, and resolutions for the purpose of this
7 part, in compliance with any procedural requirements applicable
8 to the adoption of a rule, regulation, ordinance, or resolution by
9 the groundwater sustainability agency.

10 (c) In addition to any other applicable procedural requirements,
11 the groundwater sustainability agency shall provide notice of the
12 proposed adoption of the groundwater sustainability plan on its
13 Internet Web site and provide for electronic notice to any person
14 who requests electronic notification.

15 10725.4. (a) A groundwater sustainability agency may conduct
16 an investigation for the purposes of this part, including, but not
17 limited to, investigations for the following:

18 (1) To determine the need for groundwater management.

19 (2) To prepare and adopt a groundwater sustainability plan and
20 implementing rules and regulations.

21 (3) To propose and update fees.

22 (4) To monitor compliance and enforcement.

23 (b) An investigation may include surface waters and surface
24 water rights as well as groundwater and groundwater rights.

25 (c) In connection with an investigation, a groundwater
26 sustainability agency may inspect the property or facilities of a
27 person or entity to ascertain whether the purposes of this part are
28 being met and compliance with this part. The local agency may
29 conduct an inspection pursuant to this section upon obtaining any
30 necessary consent or obtaining an inspection warrant pursuant to
31 the procedure set forth in Title 13 (commencing with Section
32 1822.50) of Part 3 of the Code of Civil Procedure.

33 10725.6. A groundwater sustainability agency may require
34 registration of a groundwater extraction facility within the
35 management area of the groundwater sustainability agency.

36 10725.8. (a) A groundwater sustainability agency may require
37 through its groundwater sustainability plan that the use of every
38 groundwater extraction facility within the management area of the
39 groundwater sustainability agency be measured by a

1 water-measuring device satisfactory to the groundwater
2 sustainability agency.

3 (b) All costs associated with the purchase and installation of
4 the water-measuring device shall be borne by the owner or operator
5 of each groundwater extraction facility. The water measuring
6 devices shall be installed by the groundwater sustainability agency
7 or, at the groundwater sustainability agency's option, by the owner
8 or operator of the groundwater extraction facility. Water-measuring
9 devices shall be calibrated on a reasonable schedule as may be
10 determined by the groundwater sustainability agency.

11 (c) A groundwater sustainability agency may require, through
12 its groundwater sustainability plan, that the owner or operator of
13 a groundwater extraction facility within the groundwater
14 sustainability agency file an annual statement with the groundwater
15 sustainability agency setting forth the total extraction in acre-feet
16 of groundwater from the facility during the previous water year.

17 (d) In addition to the measurement of groundwater extractions
18 pursuant to subdivision (a), a groundwater sustainability agency
19 may use any other reasonable method to determine groundwater
20 extraction.

21 (e) This section does not apply to ~~de-minimis~~ *minimis* extractors.

22 10726. An entity within the area of a groundwater sustainability
23 plan shall only divert surface water to underground storage
24 consistent with the plan and shall report the diversion to
25 underground storage to the groundwater sustainability agency for
26 the relevant portion of the basin.

27 10726.2. A groundwater sustainability agency may do the
28 following:

29 (a) Acquire by grant, purchase, lease, gift, devise, contract,
30 construction, or otherwise, and hold, use, enjoy, sell, let, and
31 dispose of, real and personal property of every kind, including
32 lands, water rights, structures, buildings, rights-of-way, easements,
33 and privileges, and construct, maintain, alter, and operate any and
34 all works or improvements, within or outside the agency, necessary
35 or proper to carry out any of the purposes of this part.

36 (b) Appropriate and acquire surface water or groundwater and
37 surface water or groundwater rights, import surface water or
38 groundwater into the agency, and conserve and store within or
39 outside the agency that water for any purpose necessary or proper
40 to carry out the provisions of this part, including, but not limited

1 to, the spreading, storing, retaining, or percolating into the soil of
2 the waters for subsequent use or in a manner consistent with the
3 provisions of Section 10727.2. As part of this authority, the agency
4 may validate an existing groundwater conjunctive use or storage
5 program upon a finding that the program would aid or assist the
6 agency in developing or implementing a groundwater sustainability
7 plan.

8 (c) Provide for a program of voluntary fallowing of agricultural
9 lands or validate an existing program.

10 (d) Perform any acts necessary or proper to enable the agency
11 to purchase, transfer, deliver, or exchange water or water rights of
12 any type with any person that may be necessary or proper to carry
13 out any of the purposes of this part, including, but not limited to,
14 providing surface water in exchange for a groundwater extractor's
15 agreement to reduce or cease groundwater extractions. The agency
16 shall not deliver retail water supplies within the service area of a
17 public water system without either the consent of that system or
18 authority under the agency's existing authorities.

19 (e) Transport, reclaim, purify, desalinate, treat, or otherwise
20 manage and control polluted water, wastewater, or other waters
21 for subsequent use in a manner that is necessary or proper to carry
22 out the purposes of this part.

23 (f) Commence, maintain, intervene in, defend, compromise,
24 and assume the cost and expenses of any and all actions and
25 proceedings.

26 10726.4. (a) A groundwater sustainability agency shall have
27 the following additional authority and may regulate groundwater
28 ~~pumping~~ *extraction* using that authority:

29 (1) To impose spacing requirements on new groundwater well
30 construction to minimize well interference and impose reasonable
31 operating regulations on existing groundwater wells to minimize
32 well interference, including requiring ~~pumpers~~ *extractors* to operate
33 on a rotation basis.

34 (2) To control groundwater extractions by regulating, limiting,
35 or suspending extractions from individual groundwater wells or
36 extractions from groundwater wells in the aggregate, ~~the~~
37 construction of new groundwater wells, ~~the enlarging~~ *enlargement*
38 of existing groundwater wells, ~~the~~ or reactivation of abandoned
39 groundwater wells, or otherwise establishing groundwater
40 extraction allocations. A limitation on extractions by a groundwater

1 sustainability agency shall not be construed to be a final
2 determination of rights to extract groundwater from the basin or
3 any portion of the basin.

4 (3) To authorize temporary and permanent transfers of
5 groundwater extraction allocations within the agency's boundaries,
6 if the total quantity of groundwater extracted in any water year is
7 consistent with the provisions of the groundwater sustainability
8 plan.

9 (4) To establish accounting rules to allow unused groundwater
10 extraction allocations issued by the agency to be carried over from
11 one year to another and voluntarily transferred, if the total quantity
12 of groundwater extracted in any five-year period is consistent with
13 the provisions of the groundwater sustainability plan.

14 ~~(b) Nothing in this section shall be construed to grant a~~
15 ~~groundwater sustainability agency the authority to issue permits~~
16 ~~for the construction, modification, or abandonment of groundwater~~
17 ~~wells. A county may authorize a groundwater sustainability agency~~
18 ~~to issue permits for the construction, modification, or abandonment~~
19 ~~of groundwater wells.~~

20 *(b) This section does not authorize a groundwater sustainability*
21 *agency to issue permits for the construction, modification, or*
22 *abandonment of groundwater wells, except as authorized by a*
23 *county with authority to issue those permits.*

24 10726.6. (a) A groundwater sustainability agency that adopts
25 a groundwater sustainability plan may file an action to determine
26 the validity of the plan pursuant to Chapter 9 (commencing with
27 Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

28 (b) Subject to Sections 394 and 397 of the Code of Civil
29 Procedure, the venue for an action pursuant to this section shall
30 be the county in which the principal office of the groundwater
31 management agency is located.

32 (c) Any judicial action or proceeding to attack, review, set aside,
33 void, or annul the ordinance or resolution imposing a new, or
34 increasing an existing, fee imposed pursuant to Section 10730,
35 10730.2, or 10730.4 shall be brought pursuant to Section 66022
36 of the Government Code.

37 (d) Any person may pay a fee imposed pursuant to Section
38 10730, 10730.2, or 10730.4 under protest and bring an action
39 against the governing body in the superior court to recover any
40 money that the governing body refuses to refund. Payments made

1 and actions brought under this section shall be made and brought
2 in the manner provided for the payment of taxes under protest and
3 actions for refund of that payment in Article 2 (commencing with
4 Section 5140) of Chapter 5 of Part 9 of Division 1 of the Revenue
5 and Taxation Code, as applicable.

6 (e) Except as otherwise provided in this section, actions by a
7 groundwater sustainability agency are subject to judicial review
8 pursuant to Section 1085 of the Code of Civil Procedure.

9 10726.8. (a) This part is in addition to, and not a limitation
10 on, the authority granted to a local agency under any other law.
11 The local agency may use the local agency's authority under any
12 other law to apply and enforce any requirements of this part,
13 including, but not limited to, the collection of fees.

14 (b) Nothing in this part is a limitation on the authority of the
15 board, the department, or the State Department of Public Health.

16 (c) This part does not authorize a local agency to impose any
17 requirement or impose any penalty or fee on the state or any
18 agency, department, or officer of the state. State agencies and
19 departments shall work cooperatively with a local agency on a
20 voluntary basis.

21
22 CHAPTER 6. GROUNDWATER SUSTAINABILITY PLANS
23

24 10727. (a) A groundwater sustainability plan shall be
25 developed and implemented for each medium- or high-priority
26 basin by a groundwater sustainability agency to meet the
27 sustainability goal established pursuant to this part. The
28 groundwater sustainability plan may incorporate, extend, or be
29 based on a plan adopted pursuant to Part 2.75 (commencing with
30 Section 10750).

31 (b) A groundwater sustainability plan may be any of the
32 following:

33 (1) A single plan covering the entire basin developed and
34 implemented by one groundwater sustainability agency.

35 (2) A single plan covering the entire basin developed and
36 implemented by multiple groundwater sustainability agencies.

37 (3) Subject to Section 10727.6, multiple plans implemented by
38 multiple groundwater sustainability agencies and coordinated
39 pursuant to a single coordination agreement that covers the entire
40 basin.

10727.2. A groundwater sustainability plan shall include all of the following:

(a) A description of the physical setting and characteristics of the aquifer system underlying the basin that includes the following:

(1) Historical data, to the extent available.

(2) Groundwater levels, groundwater quality, subsidence, and groundwater-surface water interaction.

(3) A general discussion of historical and projected water demands and supplies.

(4) A map that details the area of the basin and the boundaries of the groundwater sustainability agencies that overlie the basin that have or are developing groundwater sustainability plans.

(5) A map identifying existing and potential recharge areas for the basin. The map or maps shall identify the existing recharge areas that substantially contribute to the replenishment of the groundwater basin. The map or maps shall be provided to the appropriate local planning agencies after adoption of the groundwater sustainability plan.

(b) (1) Measurable objectives, as well as interim milestones in increments of five years, to achieve the sustainability goal in the basin within 20 years of the implementation of the plan.

(2) A description of how the plan helps meet each objective and how each objective is intended to achieve the sustainability goal for the basin for long-term beneficial uses of groundwater.

(3) (A) Notwithstanding paragraph (1), at the request of the groundwater sustainability agency, the department may grant an extension of up to ~~10~~ 5 years beyond the 20-year sustainability timeframe upon a showing of good cause. *The department may grant a second extension of up to five years upon a showing of good cause if the groundwater sustainability agency has begun implementation of the work plan described in clause (iii) of subparagraph (B).*

(B) *The department may grant an extension pursuant to this paragraph if the groundwater sustainability agency does all of the following:*

(i) *Demonstrates a need for an extension.*

(ii) *Has made progress toward meeting the sustainability goal as demonstrated by its progress at achieving the milestones identified in its groundwater sustainability plan.*

1 (iii) *Adopts a feasible work plan for meeting the sustainability*
2 *goal during the extension period.*

3 (4) *The plan may, but is not required to, address undesirable*
4 *results that occurred before, and have not been corrected by,*
5 *January 1, 2015. Notwithstanding paragraphs (1) to (3), inclusive,*
6 *a groundwater sustainability agency has discretion as to whether*
7 *to set measurable objectives and the timeframes for achieving any*
8 *objectives for undesirable results that occurred before, and have*
9 *not been corrected by, January 1, 2015.*

10 (c) A planning and implementation ~~horizon of 50 years.~~ *horizon.*

11 (d) Components relating to the following, as applicable to the
12 basin:

13 (1) The monitoring and management of groundwater levels
14 within the basin.

15 (2) The monitoring and management of groundwater quality,
16 groundwater quality degradation, inelastic land surface subsidence,
17 and changes in surface flow and surface water quality that directly
18 affect groundwater levels or quality or are caused by groundwater
19 ~~pumping~~ *extraction* in the basin.

20 (3) Mitigation of overdraft.

21 (4) How recharge areas identified in the plan substantially
22 contribute to the replenishment of the basin.

23 (e) A summary of the type of monitoring sites, type of
24 measurements, and the frequency of monitoring for each location
25 monitoring groundwater levels, groundwater quality, subsidence,
26 streamflow, precipitation, evaporation, and tidal influence. The
27 plan shall include a summary of monitoring information such as
28 well depth, screened intervals, and aquifer zones monitored, and
29 a summary of the type of well relied on for the information,
30 including public, irrigation, domestic, industrial, and monitoring
31 wells.

32 (f) Monitoring protocols that are designed to detect changes in
33 groundwater levels, groundwater quality, inelastic surface
34 subsidence for basins for which subsidence has been identified as
35 a potential problem, and flow and quality of surface water that
36 directly affect groundwater levels or quality or are caused by
37 groundwater ~~pumping~~ *extraction* in the basin. The monitoring
38 protocols shall be designed to generate information that promotes
39 efficient and effective groundwater management.

1 (g) *A description of the various adopted water resources-related*
2 *plans and programs within the basin and an assessment of how*
3 *the groundwater sustainability plan may affect those plans.*

4 10727.4. In addition to the requirements of Section 10727.2,
5 a groundwater sustainability plan shall include, where appropriate
6 and in collaboration with the appropriate local agencies, all of the
7 following:

- 8 (a) Control of saline water intrusion.
- 9 (b) Wellhead protection areas and recharge areas.
- 10 (c) Migration of contaminated groundwater.
- 11 (d) A well abandonment and well destruction program.
- 12 (e) Replenishment of groundwater extractions.
- 13 (f) Activities implementing, opportunities for, and impediments
14 to, conjunctive use.
- 15 (g) Well construction policies.
- 16 (h) Measures addressing groundwater contamination cleanup,
17 recharge, diversions to storage, conservation, water recycling,
18 conveyance, and extraction projects.
- 19 (i) Efficient water management practices, as defined in Section
20 10902, for the delivery of water and water conservation methods
21 to improve the efficiency of water use.
- 22 (j) Efforts to develop relationships with state and federal
23 regulatory agencies.
- 24 (k) Processes to review land use plans and efforts to coordinate
25 with land use planning agencies to assess activities that potentially
26 create risks to groundwater quality or quantity.
- 27 (l) *Impacts on groundwater dependent ecosystems.*

28 10727.6. Groundwater sustainability agencies intending to
29 develop and implement multiple groundwater sustainability plans
30 pursuant to paragraph (3) of subdivision (b) of Section 10727 shall
31 coordinate with other agencies preparing a groundwater
32 sustainability plan within the basin to ensure that the plans utilize
33 the same data *and methodologies* for the following assumptions
34 in developing the plan:

- 35 (a) Groundwater elevation data.
- 36 (b) Groundwater extraction data.
- 37 (c) Surface water supply.
- 38 (d) Total water use.
- 39 (e) Change in groundwater storage.
- 40 (f) Water budget.

(g) Sustainable yield.

10727.8. Prior to initiating the development of a groundwater sustainability plan, the groundwater sustainability agency shall make available to the public and the department a written statement describing the manner in which interested parties may participate in the development and implementation of the groundwater sustainability plan. *The groundwater sustainability agency shall provide the written statement to the legislative body of any city, county, or city and county located within the geographic area to be covered by the plan.* The groundwater sustainability agency may appoint and consult with an advisory committee consisting of interested parties for the purposes of developing and implementing a groundwater sustainability plan. The groundwater sustainability agency shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the groundwater basin prior to and during the development and implementation of the groundwater sustainability plan.

~~10728. (a) Except as provided in subdivision (b), a groundwater sustainability agency shall certify that its plan complies with this part no later than January 31, 2020, and every five years thereafter. A groundwater sustainability agency shall submit this certification to the department within 30 days of the certification.~~

~~(b) (1) The department may review the submissions made pursuant to this section and Section 10733.6 and may request the supporting information on which the certification pursuant to subdivision (a) relied upon or the other documentation relied upon pursuant to subdivision (b) of Section 10733.6. The department may issue findings concerning the validity of the certification or other submission.~~

~~(2) Before issuing findings pursuant to paragraph (1), the department shall transmit a draft of its findings to the submitting agency and shall consult with that agency. The submitting agency may submit a response to the department within 60 days of receiving the department's draft findings.~~

~~(3) If the department's findings issued pursuant to paragraph (1) concern the compliance of a plan with requirements for sustainable groundwater management or the operation of a basin consistent with the basin's sustainable yield, the submitting agency,~~

1 ~~within 90 days of receipt, shall consider amendments to its plan~~
2 ~~or technical analysis to address the department's findings.~~

3 *10728. On the January 1 following the adoption of a*
4 *groundwater sustainability plan and annually on each January 1*
5 *thereafter, a groundwater sustainability agency shall submit a*
6 *report to the department containing the following information*
7 *about the basin managed in the groundwater sustainability plan:*

8 *(a) Groundwater elevation data.*

9 *(b) Annual aggregated data identifying groundwater extraction*
10 *for the preceding water year.*

11 *(c) Surface water supply used for or available for use for*
12 *groundwater recharge or in-lieu use.*

13 *(d) Total water use.*

14 *(e) Change in groundwater storage.*

15 *10728.2. A groundwater sustainability agency shall periodically*
16 *evaluate its groundwater sustainability plan, assess changing*
17 *conditions in the basin that may warrant modification of the plan*
18 *or management objectives, and may adjust components in the plan.*
19 *An evaluation of the plan shall focus on determining whether the*
20 *actions under the plan are meeting the plan's management*
21 *objectives and whether those objectives are meeting the*
22 *sustainability goal in the basin.*

23 *10728.4. A groundwater sustainability agency may adopt or*
24 *amend a groundwater sustainability plan*~~*if the groundwater*~~
25 ~~*sustainability agency holds a public hearing and more than 90 days*~~
26 ~~*have passed since the groundwater sustainability agency provided*~~
27 *after a public hearing, held at least 90 days after providing notice*
28 *to a city or county within the area of the proposed plan or*
29 *amendment. The groundwater sustainability agency shall obtain*
30 *comments from any city or county that receives notice pursuant*
31 *to this section and shall consult with a city or county that requests*
32 *consultation within 30 days of receipt of the notice. Nothing in*
33 *this section is intended to preclude an agency and a city or county*
34 *from otherwise consulting or commenting regarding the adoption*
35 *or amendment of a plan.*

36 *10728.6. Division 13 (commencing with Section 21000) of the*
37 *Public Resources Code does not apply to the preparation and*
38 *adoption of plans pursuant to this chapter. Nothing in this part*
39 *shall be interpreted as exempting from Division 13 (commencing*
40 *with Section 21000) of the Public Resources Code a project that*

1 *would implement actions taken pursuant to a plan adopted*
2 *pursuant to this chapter or a project that would significantly affect*
3 *water supplies for fish and wildlife.*

4
5 CHAPTER 7. TECHNICAL ASSISTANCE
6

7 10729. (a) The department or a groundwater sustainability
8 agency may provide technical assistance to entities that extract or
9 use groundwater to promote water conservation and protect
10 groundwater resources.

11 (b) The department may provide technical assistance to any
12 groundwater sustainability agency in response to that agency's
13 request for assistance in the development and implementation of
14 a groundwater sustainability plan. The department shall use its
15 best efforts to provide the requested assistance.

16 (c) (1) By January 1, 2017, the department shall publish on its
17 Internet Web site best management practices for the sustainable
18 management of groundwater.

19 (2) The department shall develop the best management practices
20 through a public process involving one public meeting conducted
21 at a location in northern California, one public meeting conducted
22 at a location in the San Joaquin Valley, one public meeting
23 conducted at a location in southern California, and one public
24 meeting of the California Water Commission.

25
26 CHAPTER 8. FINANCIAL AUTHORITY
27

28 10730. (a) A groundwater sustainability agency may impose
29 fees, including, but not limited to, permit fees and fees on
30 groundwater extraction or other regulated activity, to fund the costs
31 of a groundwater sustainability program, including, but not limited
32 to, preparation, adoption, and amendment of a groundwater
33 sustainability plan, and ~~program administration~~, investigations,
34 inspections, compliance assistance, ~~and enforcement~~. *enforcement,*
35 *and program administration, including a prudent reserve.* A
36 groundwater sustainability agency shall not impose a fee pursuant
37 to this subdivision on a ~~de-minimis~~ *minimis* extractor unless the
38 agency has regulated the users pursuant to this part.

39 (b) (1) Prior to imposing or increasing a fee, a groundwater
40 sustainability agency shall hold at least one ~~open~~ and public

1 meeting, at which oral or written presentations may be made as
2 part of the meeting.

3 (2) Notice of the time and place of the meeting shall include a
4 general explanation of the matter to be considered and a statement
5 that the data required by this section is available. The notice shall
6 ~~be mailed at least 14 days prior to the meeting to each record owner~~
7 ~~of property within the basin~~ *provided by publication pursuant to*
8 *Section 6066 of the Government Code, by posting notice on the*
9 *Internet Web site of the groundwater sustainability agency, and*
10 *by mail to any interested party who files a written request with the*
11 *agency for mailed notice of the meeting on new or increased fees.*
12 A written request for mailed notices shall be valid for one year
13 from the date that the request is made and may be renewed by
14 making a written request on or before April 1 of each year.

15 (3) At least 10 days prior to the meeting, the groundwater
16 sustainability agency shall make available to the public data upon
17 which the proposed fee is based.

18 (c) Any action by a groundwater sustainability agency to impose
19 or increase a fee shall be taken only by ordinance or resolution.

20 (d) (1) As an alternative method for the collection of fees
21 imposed pursuant to this section, a groundwater ~~management~~
22 *sustainability* agency may adopt a resolution requesting collection
23 of the fees in the same manner as ordinary municipal ad valorem
24 taxes.

25 (2) A resolution described in paragraph (1) shall be adopted and
26 furnished to the county auditor-controller and board of supervisors
27 on or before August 1 of each year that the alternative collection
28 of the fees is being requested. The resolution shall include a list
29 of parcels and the amount to be collect for each parcel.

30 (e) The power granted by this section is in addition to any
31 powers a groundwater sustainability agency has under any other
32 law.

33 10730.2. (a) A groundwater sustainability agency that adopts
34 a groundwater sustainability plan pursuant to this part may impose
35 fees on the extraction of groundwater from the basin to fund costs
36 of groundwater management, including, but not limited to, the
37 costs of the following:

38 (1) Administration, operation, ~~maintenance, and acquisition of~~
39 ~~lands or other property, facilities, and services.~~ *and maintenance,*
40 *including a prudent reserve.*

1 (2) *Acquisition of lands or other property, facilities, and*
2 *services.*

3 ~~(2)~~

4 (3) Supply, production, treatment, or distribution of water.

5 ~~(3)~~

6 (4) Other activities necessary or convenient to implement the
7 plan.

8 ~~(b) Fees may be implemented pursuant to Part 2.75~~
9 ~~(commencing with Section 10750) Until a groundwater~~
10 ~~sustainability plan is adopted pursuant to this part, a local agency~~
11 ~~may impose fees in accordance with the procedures provided in~~
12 ~~this section for the purposes of Part 2.75 (commencing with Section~~
13 ~~10750) as long as a groundwater management plan adopted before~~
14 ~~January 1, 2015, is in effect for the basin.~~

15 (c) Fees imposed pursuant to this section shall be adopted in
16 accordance with subdivisions (a) and (b) of Section 6 of Article
17 XIII D of the California Constitution.

18 (d) Fees imposed pursuant to this section may include fixed fees
19 and fees charged on a volumetric basis, including, but not limited
20 to, fees that increase based on the quantity of groundwater produced
21 annually, the year in which the production of groundwater
22 commenced from a groundwater extraction facility, and impacts
23 to the basin.

24 (e) The power granted by this section is in addition to any
25 powers a groundwater sustainability agency has under any other
26 law.

27 10730.4. A groundwater sustainability agency may fund
28 activities pursuant to Part 2.75 (commencing with Section 10750)
29 and may impose fees pursuant to Section ~~10732.5~~ 10730.2 to fund
30 activities undertaken by the agency pursuant to Part 2.75
31 (commencing with Section 10750).

32 10730.6. (a) A groundwater fee levied pursuant to this chapter
33 shall be due and payable to the groundwater sustainability agency
34 by each owner or operator on a day established by the groundwater
35 sustainability agency.

36 (b) If an owner or operator knowingly fails to pay a groundwater
37 fee within 30 days of it becoming due, the owner or operator shall
38 be liable to the groundwater sustainability agency for interest at
39 the rate of 1 percent per month on the delinquent amount of the
40 groundwater fee and a 10 percent penalty.

(c) The groundwater sustainability agency may bring a suit in the court having jurisdiction against any owner or operator of a groundwater extraction facility within the area covered by the plan for the collection of any delinquent groundwater fees, interest, or penalties imposed under this chapter. If the groundwater sustainability agency seeks an attachment against the property of any named defendant in the suit, the groundwater sustainability agency shall not be required to furnish a bond or other undertaking as provided in Title 6.5 (commencing with Section 481.010) of Part 2 of the Code of Civil Procedure.

(d) In the alternative to bringing a suit pursuant to subdivision (c), a groundwater sustainability agency may collect any delinquent groundwater charge and any civil penalties and interest on the delinquent groundwater charge pursuant to the laws applicable to the local agency or, if a joint powers authority, to the entity designated pursuant to Section 6509 of the Government Code. The collection shall be in the same manner as it would be applicable to the collection of delinquent assessments, water charges, or tolls.

(e) As an additional remedy, a groundwater sustainability agency, after a public hearing, may order an owner or operator to cease extraction of groundwater until all delinquent fees are paid. The groundwater sustainability agency shall give notice to the owner or operator by certified mail not less than 15 days in advance of the public hearing.

(f) The remedies specified in this section for collecting and enforcing fees are cumulative and may be pursued alternatively or may be used consecutively as determined by the governing body.

10730.8. (a) Nothing in this chapter shall affect or interfere with the authority of a groundwater sustainability agency to levy and collect taxes, assessments, charges, and tolls as otherwise provided by law.

(b) For the purposes of Section 6254.16 of the Government Code, persons subject to payment of fees pursuant to this chapter are utility customers of a groundwater sustainability agency.

10731. (a) ~~If there is reasonable cause to believe that the production of groundwater from any groundwater extraction facility is in excess of that disclosed by the statements covering the facility or if no statement is filed covering the facility, the governing body may cause an investigation and report to be made concerning the~~

1 ~~production of groundwater from that groundwater extraction~~
2 ~~facility that includes, but is not limited to, the accuracy of the~~
3 ~~water-measuring device. The~~ *Following an investigation pursuant*
4 *to Section 10725.4, the* governing body may make a determination
5 fixing the amount of groundwater production from the groundwater
6 extraction facility at an amount not to exceed the maximum
7 production capacity of the facility for purposes of levying a
8 groundwater charge. If a water-measuring device is permanently
9 attached to the groundwater extraction facility, the record of
10 production as disclosed by the water-measuring device shall be
11 presumed to be accurate unless the contrary is established by the
12 groundwater ~~management~~ *sustainability* agency after investigation.

13 (b) After the governing body makes a determination fixing the
14 amount of groundwater production pursuant to subdivision (a), a
15 written notice of the determination shall be mailed to the owner
16 or operator of the groundwater extraction facility at the address as
17 shown by the groundwater ~~management~~ *sustainability* agency's
18 records. A determination made by the governing body shall be
19 conclusive on the owner or operator and the groundwater charges,
20 based on the determination together with any interest and penalties,
21 shall be payable immediately unless within ~~10~~ 20 days after the
22 mailing of the notice the owner or operator files with the governing
23 body a written protest setting forth the ground for protesting the
24 amount of production or the groundwater charges, interest, and
25 penalties. If a protest is filed pursuant to this subdivision, the
26 governing body shall hold a hearing to determine the total amount
27 of the groundwater production and the groundwater charges,
28 interest, and penalties. ~~The determination by the governing body~~
29 ~~at the hearing shall be conclusive if based upon substantial~~
30 ~~evidence.~~ Notice of the hearing shall be mailed to each protestant
31 at least ~~10~~ 20 days before the date fixed for the hearing. Notice of
32 the determination of the governing body hearing shall be mailed
33 to each protestant. The owner or operator shall have 20 days from
34 the date of mailing of the determination to pay the groundwater
35 charges, interest, and penalties determined by the governing body.

1 CHAPTER 9. GROUNDWATER SUSTAINABILITY AGENCY
2 ENFORCEMENT POWERS

3
4 10732. (a) (1) A person who extracts groundwater in excess
5 of the amount that person is authorized to extract under a rule,
6 regulation, ordinance, or resolution adopted pursuant to Section
7 10725.2, shall be subject to a civil penalty not to exceed five
8 hundred dollars (\$500) per acre-foot extracted in excess of the
9 amount that person is authorized to extract. Liability under this
10 subdivision is in addition to any liability imposed under paragraph
11 (2) and any fee imposed for the extraction.

12 (2) A person who violates any rule, regulation, ordinance, or
13 resolution adopted pursuant to Section ~~10724.2~~ 10725.2 shall be
14 liable for a civil penalty not to exceed one thousand dollars
15 (\$1,000) plus one hundred dollars (\$100) for each additional day
16 on which the violation continues if the person fails to comply
17 within 30 days after the local agency has notified the person of the
18 violation.

19 (b) (1) A groundwater sustainability agency may bring an action
20 in the superior court to determine whether a violation occurred
21 and to impose a civil penalty described in subdivision (a).

22 (2) A groundwater sustainability agency may administratively
23 impose a civil penalty described in subdivision (a) after providing
24 notice and an opportunity for a hearing.

25 (3) In determining the amount of the penalty, the superior court
26 or the groundwater sustainability agency shall take into
27 consideration all relevant circumstances, including, but not limited
28 to, the nature and persistence of the violation, the extent of the
29 harm caused by the violation, the length of time over which the
30 violation occurs, and any corrective action taken by the violator.

31 (c) A penalty imposed pursuant to this section shall be paid to
32 the groundwater sustainability agency and shall be expended solely
33 for purposes of this part.

34 (d) Penalties imposed pursuant to this section are in addition to
35 any civil penalty or criminal fine under any other law.

36
37 CHAPTER 10. STATE EVALUATION AND ASSESSMENT

38
39 10733. (a) The department shall periodically review the
40 groundwater sustainability plans developed by groundwater

1 sustainability agencies pursuant to this part to evaluate whether a
2 plan conforms with Sections 10727.2 and 10727.4 and is likely to
3 achieve the sustainability goal for the basin covered by the
4 groundwater sustainability plan.

5 (b) If a groundwater sustainability agency develops multiple
6 groundwater sustainability plans for a basin, the department shall
7 evaluate whether the plans conform with Sections 10727.2,
8 10727.4, and 10727.6 and are together likely to achieve the
9 sustainability goal for the basin covered by the groundwater
10 sustainability plans.

11 10733.2. (a) *(1)* By June 1, 2016, the department, in
12 consultation with the board, shall develop guidelines for evaluating
13 groundwater sustainability ~~plans and groundwater sustainability~~
14 ~~programs plans, the implementation of groundwater sustainability~~
15 ~~plans, and coordination agreements~~ pursuant to this chapter.

16 ~~(b)~~

17 (2) The guidelines shall identify the necessary plan components
18 specified in Sections ~~10727.2 and 10727.4~~ 10727.2, 10727.4, and
19 10727.6 and other information that will assist local agencies in
20 developing and implementing groundwater sustainability ~~plans~~
21 ~~and groundwater sustainability programs. plans and coordination~~
22 ~~agreements.~~

23 ~~(c)~~

24 (b) The department may update the guidelines, including to
25 incorporate the best management practices identified pursuant to
26 Section 10729.

27 (c) *By June 1, 2016, the department, in consultation with the*
28 *board, shall develop guidelines for evaluating alternatives*
29 *submitted pursuant to Section 10733.6.*

30 (d) The guidelines required pursuant to this section are exempt
31 from Chapter 3.5 (commencing with Section 11340) of Part 1 of
32 Division 3 of Title 2 of the Government Code. The establishment
33 of guidelines pursuant to this section shall instead be accomplished
34 by means of a public process ~~reasonably calculated to give that~~
35 ~~gives~~ interested persons an opportunity to be heard.

36 10733.4. (a) Upon ~~completion~~ *adoption* of a groundwater
37 sustainability plan, a groundwater sustainability agency shall
38 submit the groundwater sustainability plan to the department for
39 review pursuant to this chapter.

(b) If groundwater sustainability agencies develop multiple groundwater sustainability plans for a basin, the submission required by subdivision (a) shall not occur until the entire basin is covered by groundwater sustainability plans. When the entire basin is covered by groundwater sustainability plans, the groundwater sustainability agencies shall jointly submit to the department all of the following:

(1) The groundwater sustainability plans.

(2) An explanation of how the groundwater sustainability plans implemented together satisfy ~~Section 10729~~ *Sections 10727.2, 10727.4, and 10727.6* for the entire basin.

(3) A copy of the coordination agreement between the groundwater sustainability agencies to ensure the coordinated implementation of the groundwater sustainability plans for the entire basin.

(c) Upon receipt of a groundwater sustainability plan, the department shall post the plan on the department's Internet Web site and provide 60 days for persons to submit comments to the department about the plan.

(d) The department shall evaluate the groundwater sustainability plan within two years of its submission by a groundwater sustainability agency and issue an assessment of the plan. The assessment may include recommended corrective actions to address any deficiencies identified by the department.

~~10733.6. (a) If there is not a groundwater sustainability plan for a basin, but a local agency believes that an alternative plan, such as a plan developed pursuant to Part 2.75 (commencing with Section 10750), satisfies the objectives of this part, the local agency may submit the alternative plan to the department for evaluation and assessment of whether the plan is the functional equivalent of a groundwater sustainability plan pursuant to this part. In evaluating an alternative plan, the department shall, to the extent feasible, use the guidelines developed pursuant to Section 10733.2.~~

~~(b) A basin shall be in compliance with this part if a groundwater agency for a basin or other local agency submits to the department, no later than January 31, 2020, and every five years thereafter, any of the following documents:~~

~~(1) A copy of a governing final judgment or other judicial order or decree establishing a groundwater sustainability program for the basin.~~

~~(2) A report approved by a groundwater agency that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years. The report shall be prepared by a registered professional engineer or geologist who is licensed by the state and submitted under that engineer's or geologist's seal. The report may demonstrate compliance with the sustainability goal in the basin by presenting a balanced water budget for the basin, a technical analysis demonstrating stable groundwater levels over the relevant period, or other sufficient technical analyses.~~

10733.6. (a) If there is no groundwater sustainability plan for a basin, but a local agency believes that an alternative described in subdivision (b) satisfies the objectives of this part, the local agency may submit the alternative to the department for evaluation and assessment of whether the alternative satisfies the objectives of this part.

(b) An alternative is any of the following:

(1) A plan developed pursuant to Part 2.75 (commencing with Section 10750) or other law authorizing groundwater management.

(2) Management pursuant to an adjudication action.

(3) An analysis of basin conditions that demonstrates that the basin has operated within its sustainable yield over a period of at least 10 years. The submission of an alternative described by this paragraph shall include a report prepared by a registered professional engineer or geologist who is licensed by the state and submitted under that engineer's or geologist's seal.

(c) A local agency shall submit an alternative pursuant to this section no later than January 1, 2017, and every five years thereafter.

(d) The assessment required by subdivision (a) shall include an assessment of whether the alternative is within a basin that is in compliance with Part 2.11 (commencing with Section 10920). If the alternative is within a basin that is not in compliance with Part 2.11 (commencing with Section 10920), the department shall find the alternative does not satisfy the objectives of this part.

10733.8. At least every five years after initial submission of a plan pursuant to Section 10733.4, the department, in consultation with the board, shall review any available groundwater sustainability plan, alternative plan submitted in accordance with Section ~~10729.6~~, 10733.6, and the implementation of the

1 corresponding groundwater sustainability program for consistency
2 with this part, including achieving the sustainability goal. The
3 department shall issue an assessment for each basin for which a
4 plan has been submitted in accordance with this ~~chapter~~ *chapter*;
5 *with an emphasis on assessing progress in achieving the*
6 *sustainability goal within the basin.* The assessment may include
7 recommended corrective actions to address any deficiencies
8 identified by the department.

9 10734. (a) Consistent with Section 3 of Article XIII A of the
10 California Constitution, the department shall adopt a schedule of
11 fees to recover costs incurred in carrying out this chapter.

12 (b) It is the intent of the Legislature to amend this measure to
13 adopt additional authority for the department to implement the fee
14 authority provided by this section.

15
16 CHAPTER 11. STATE INTERVENTION
17

18 10735. As used in this chapter, the following terms have the
19 following meanings:

20 (a) “Condition of long-term overdraft” means the condition of
21 a groundwater basin where the average annual amount of water
22 extracted for a long-term period, generally 10 years or more,
23 exceeds the long-term average annual supply of water to the basin,
24 plus any temporary surplus. Overdraft during a period of drought
25 is not sufficient to establish a condition of long-term overdraft if
26 extractions and recharge are managed as necessary to ensure that
27 reductions in groundwater levels or storage during a period of
28 drought are offset by increases in groundwater levels or storage
29 during other periods.

30 (b) “Person” means any person, firm, association, organization,
31 partnership, business, trust, corporation, limited liability company,
32 or public agency, including any city, county, city and county,
33 district, joint powers authority, state, or any agency or department
34 of those entities. “Person” includes, to the extent authorized by
35 federal law, the United States, a department, agency or
36 instrumentality of the federal government, an Indian tribe, an
37 authorized Indian tribal organization, or interstate body.

38 (c) “Probationary basin” means a basin for which the board has
39 issued a determination under ~~this section~~ *Section 10735.2*.

(d) “Significant depletions of interconnected surface waters” means reductions in flow or levels of a surface water that is hydrologically connected to the basin such that the reduced surface water flow or level adversely affects beneficial uses of the surface water.

10735.2. (a) The board, after notice and a public hearing, may designate a basin as a probationary basin, if the board finds one or more of the following applies to the basin:

(1) After January 1, 2017, none of the following have occurred:

(A) ~~No~~ A local agency has elected to be a groundwater sustainability agency that intends to develop a groundwater sustainability plan for the entire basin.

(B) ~~No~~ A collection of local agencies has formed a groundwater sustainability agency or prepared agreements to develop one or more groundwater sustainability plans that will collectively serve as a groundwater sustainability plan for the entire basin.

~~(C) There is no plan developed pursuant to Part 2.75 (commencing with Section 10750) that satisfies the objectives of this part.~~

~~(D) There is no report approved by a groundwater agency that shows that current management or operations activities have been consistent with the sustainable yield of the basin over a period of at least 10 years, as described in paragraph (2) of subdivision (b) of Section 10733.6.~~

(C) A local agency has submitted an alternative that has been approved or is pending approval pursuant to Section 10733.6. If the department disapproves an alternative pursuant to Section 10733.6, the board shall not act under this paragraph until at least 180 days after the department disapproved the alternative.

(2) After January 31, 2020, none of the following have occurred:

(A) ~~No~~ A groundwater sustainability agency has adopted a groundwater sustainability plan for the entire basin.

(B) ~~No~~ A collection of local agencies have adopted groundwater sustainability plans that collectively serve as a groundwater sustainability plan for the entire basin.

~~(C) The department has not determined that a local agency has a functional equivalent as described in Section 10733.6: approved an alternative pursuant to Section 10733.6.~~

~~(D) There is no report approved by a groundwater agency that shows that current management or operations activities have been~~

1 consistent with the sustainable yield of the basin over a period of
2 at least 10 years, as described in paragraph (2) of subdivision (b)
3 of Section 10733.6.

4 (3) After January 31, 2020, ~~either~~ *both* of the following have
5 occurred:

6 (A) ~~The department has determined~~ *department, in consultation*
7 *with the board, determines* that a groundwater sustainability plan
8 is inadequate or that the groundwater sustainability program is not
9 being implemented in a manner that will likely achieve the
10 sustainability goal.

11 (B) *The board determines that the* basin is in a condition of
12 long-term overdraft or in a condition where groundwater
13 extractions result in significant depletions of interconnected surface
14 waters.

15 (b) ~~(1)~~ In making the findings associated with ~~subparagraph~~
16 ~~(A)~~ of paragraph (3) of subdivision (a), the *department and* board
17 may rely on periodic assessments the department has prepared
18 pursuant to Chapter 10 (commencing with Section 10733). The
19 board may request that the department conduct additional
20 assessments utilizing the guidelines developed pursuant to Chapter
21 10 (commencing with 10733) and make determinations pursuant
22 to this section. The board shall post on its Internet Web site and
23 provide at least 30 days for the public to comment on any
24 determinations provided by the department pursuant to this
25 subdivision.

26 ~~(2) The board shall consult with the department in assessing~~
27 ~~technical determinations pursuant to subparagraph (A) of paragraph~~
28 ~~(3) of subdivision (a).~~

29 ~~(e) The determination shall set an amount of groundwater~~
30 ~~extractions, for purposes of establishing the amount for which~~
31 ~~reports of groundwater extraction are required under Part 5.2~~
32 ~~(commencing with Section 5200) of Division 2, and may include~~
33 ~~exclusions for certain classes or categories of extractions that are~~
34 ~~likely to have a minimal impact on basin withdrawals.~~

35 *(c) (1) The determination may exclude a class or category of*
36 *extractions from the requirement for reporting pursuant to Part*
37 *5.2 (commencing with Section 5200) of Division 2 if those*
38 *extractions are likely to have a minimal impact on basin*
39 *withdrawals.*

1 (2) *The determination may require reporting of a class or*
2 *category of extractions that would otherwise be exempt from*
3 *reporting pursuant to paragraph (1) of subdivision (c) of Section*
4 *5202 if those extractions are likely to have a substantial impact*
5 *on basin withdrawals or requiring reporting of those extractions*
6 *is reasonably necessary to obtain information for purposes of this*
7 *chapter.*

8 (3) *The determination may establish requirements for*
9 *information required to be included in reports of groundwater*
10 *extraction, for installation of measuring devices, or for use of a*
11 *methodology, measuring device, or both, pursuant to Part 5.2*
12 *(commencing with Section 5200) of Division 2.*

13 (4) *The determination may modify the water year or reporting*
14 *date for a report of groundwater extraction pursuant to Section*
15 *5202.*

16 10735.4. (a) If the board designates a basin as a probationary
17 basin pursuant to paragraph (1) or (2) of subdivision (a) of Section
18 10735.2, a local agency or groundwater sustainability agency shall
19 have 180 days to remedy the deficiency. The board may appoint
20 a mediator or other facilitator, after consultation with affected local
21 agencies, to assist in resolving disputes, and identifying and
22 implementing actions that will remedy the deficiency.

23 (b) After the 180-day period provided by subdivision (a), the
24 board may provide additional time to remedy the deficiency if it
25 finds that a local agency is making substantial progress toward
26 remedying the deficiency.

27 (c) The board may develop an interim plan pursuant to Section
28 10735.8 for the probationary basin at the end of the ~~time~~ period
29 provided by subdivision (a) or any extension provided pursuant
30 to subdivision (b), if the board, in consultation with the department,
31 determines that a local agency has not remedied the deficiency
32 that resulted in designating the basin as a probationary basin
33 ~~pursuant to this section.~~

34 10735.6. (a) If the board designates a basin as a probationary
35 basin pursuant to paragraph (3) of subdivision (a) of Section
36 10735.2, the board shall identify the specific deficiencies and
37 identify potential actions to address the deficiencies. The board
38 may request the department to provide local agencies, within 90
39 days of the designation of a probationary basin, with technical
40 recommendations to remedy the deficiencies.

(b) The board may develop an interim plan pursuant to Section 10735.8 for the probationary basin one year after the designation of the basin pursuant to paragraph (3) of subdivision (a) of Section 10735.2, if the board, in consultation with the department, determines that a local agency has not remedied the deficiency that ~~result~~ *resulted* in designating the basin a probationary basin.

10735.8. (a) The board, after notice and a public hearing, may adopt an interim plan for a probationary basin.

(b) The interim plan shall include all of the following:

(1) Identification of the actions that are necessary to correct a condition of long-term overdraft or a condition where groundwater extractions result in significant depletions of interconnected surface waters, including recommendations for appropriate action by any person.

(2) A time schedule for the actions to be taken.

(3) A description of the monitoring to be undertaken to determine effectiveness of the plan.

(c) The interim plan may include the following:

(1) Restrictions on groundwater ~~pumping or~~ extraction.

(2) A physical solution.

(3) Principles and guidelines for the administration of rights to surface waters that are connected to the basin.

(d) ~~To the extent feasible, consistent with~~ *Except as provided in* Sections 100 and 275 and subdivision (e), the interim plan shall be consistent with water right priorities.

(e) Where, in the judgment of the board, a groundwater sustainability plan, groundwater sustainability program, or an adjudication action can be relied on as part of the interim plan, either throughout the basin or in an area within the basin, the board may rely on, or incorporate elements of, that plan, program, or adjudication into the interim plan adopted by the board or allow local agencies to continue implementing those parts of a plan or program that the board determines are adequate.

(f) In carrying out activities that may affect the probationary basin, state entities shall comply with an interim plan adopted by the board pursuant to this section unless otherwise directed or authorized by statute and the state entity shall indicate to the board in writing the authority for not complying with the interim plan.

(g) (1) After the board adopts an interim plan under this section, the board shall determine if a groundwater sustainability plan or

1 an adjudication action is adequate to eliminate the condition of
2 long-term overdraft or condition where groundwater extractions
3 result in significant depletions of interconnected surface waters,
4 upon petition of either of the following:

5 (A) A groundwater sustainability agency that has adopted a
6 groundwater sustainability plan for the probationary basin or a
7 portion thereof.

8 (B) A person authorized to file the petition by a judicial order
9 or decree entered in an adjudication action in the probationary
10 basin.

11 (2) The board shall act on a petition filed pursuant to paragraph
12 (1) within 90 days after the petition is complete. If the board, *in*
13 *consultation with the department*, determines that the groundwater
14 sustainability plan or adjudication action is adequate, the board
15 shall rescind the interim plan adopted by the board for the
16 probationary basin, except as provided in paragraphs (3) and (4).

17 (3) Upon request of the petitioner, the board may amend an
18 interim plan adopted under this section to eliminate portions of
19 the interim plan, while allowing other portions of the interim plan
20 to continue in effect.

21 (4) The board may decline to rescind an interim plan adopted
22 pursuant to this section if the board determines that the petitioner
23 has not provided adequate assurances that the groundwater
24 sustainability plan or judicial order or decree will be implemented.

25 (5) This subdivision is not a limitation on the authority of the
26 board to stay its proceedings under this section or to rescind or
27 amend an interim plan adopted pursuant to this section based on
28 the progress made by a groundwater sustainability agency or in
29 an adjudication action, even if the board cannot make a
30 determination of adequacy in accordance with paragraph (1).

31 10736. (a) The board shall adopt or amend a determination or
32 interim plan under Section 10735.2 or 10735.8 in accordance with
33 procedures for quasi-legislative action.

34 (b) The board shall provide notice of a hearing described in
35 subdivision (a) of Section 10735.2 or subdivision (a) of Section
36 10735.8 as follows:

37 (1) At least 90 days before the hearing, the board shall publish
38 notice of the hearing on its Internet Web site.

1 (2) At least 90 days before the hearing, the board shall notify
2 the department and each city, county, or city and county in which
3 any part of the basin is situated.

4 (3) (A) For the purposes of this paragraph, the terms
5 “board-designated local area” and “local agency” have the same
6 meaning as defined in Section 5009.

7 (B) At least 60 days before the hearing, the board shall mail or
8 send by electronic mail notice to all persons known to the board
9 who extract or who propose to extract water from the basin, or
10 who have made written or electronic mail requests to the board
11 for special notice of hearing pursuant to this part. If any portion
12 of the basin is within a board-designated local area, the records
13 made available to the board by the local agency in accordance with
14 paragraph (4) of subdivision (d) of Section 5009 shall include the
15 names and addresses of persons and entities known to the local
16 agency who extract water from the basin, and the board shall mail
17 or send by electronic mail notice to those persons.

18 (c) The board shall provide notice of proceedings to amend or
19 repeal a determination or plan under Section 10735.2 or 10735.8
20 as appropriate to the proceedings, taking into account the nature
21 of the proposed revision and the person likely to be affected.

22 (d) (1) Except as provided in paragraphs (2) and (3), Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
24 Title 2 of the Government Code does not apply to any action
25 authorized pursuant to Section 10735.2 or 10735.8.

26 (2) The board may adopt a regulation in accordance with Chapter
27 3.5 (commencing with Section 11340) of Part 1 of Division 2 of
28 Title 2 of the Government Code setting procedures for adopting a
29 determination or plan.

30 (3) The board may adopt a regulation applying or interpreting
31 this part pursuant to Section 1530 if the board determines that the
32 emergency regulation is reasonably necessary for the allocation,
33 administration, or collection of fees authorized pursuant to Section
34 1529.5.

35 10736.2. Division 13 (commencing with Section 21000) of the
36 Public Resources Code does not apply to any action or failure to
37 act by the board under this chapter, other than the adoption or
38 amendment of an interim plan pursuant to Section 10735.8.

39 10736.4. The extraction or use of water extracted in violation
40 of an interim plan under this part shall not be relied upon as a basis

1 for establishing the extraction or use of water to support a claim
2 in an action or proceeding for determination of water rights.

3 10736.6. (a) The board may order a person that extracts or
4 uses water from a basin that is subject to an investigation or
5 proceeding under this chapter to prepare and submit to the board
6 any technical or monitoring program reports related to that person's
7 or entity's extraction or use of water as the board may specify.
8 The costs incurred by the person in the preparation of those reports
9 shall bear a reasonable relationship to the need for the report and
10 the benefit to be obtained from the report. If the preparation of
11 individual reports would result in a duplication of effort, or if the
12 reports are necessary to evaluate the cumulative effect of several
13 diversions or uses of water, the board may order any person subject
14 to this subdivision to pay a reasonable share of the cost of preparing
15 reports.

16 (b) (1) An order issued pursuant to this section shall be served
17 by personal service or registered mail on the party to submit
18 technical or monitoring program reports or to pay a share of the
19 costs of preparing reports. Unless the board issues the order after
20 a hearing, the order shall inform the party of the right to request a
21 hearing within 30 days after the party has been served. If the party
22 does not request a hearing within that 30-day period, the order
23 shall take effect as issued. If the party requests a hearing within
24 that 30-day period, the board may adopt a decision and order after
25 conducting a hearing.

26 (2) In-lieu of adopting an order directed at named persons in
27 accordance with the procedures specified in paragraph (1), the
28 board may adopt a regulation applicable to a category or class of
29 persons in accordance with Chapter 3.5 (commencing with Section
30 11340) of Part 1 of Division 2 of Title 2 of the Government Code.

31 (c) Upon application of a person or upon its own motion, the
32 board may review and revise an order issued or regulation adopted
33 pursuant to this section in accordance with the procedures set forth
34 in subdivision (b).

35 (d) In conducting an investigation or proceeding pursuant to
36 this part, the board may inspect the property or facilities of a person
37 to ascertain whether the purposes of this part are being met and to
38 ascertain compliance with this part. The board may obtain an
39 inspection warrant pursuant to the procedures set forth in Title 13
40 (commencing with Section 1822.50) of Part 3 of the Code of Civil

1 Procedure for the purposes of an inspection pursuant to this
2 subdivision.

3 ~~SEC. 11.~~

4 *SEC. 13.* Section 10750.1 is added to the Water Code, to read:

5 10750.1. (a) Beginning January 1, 2015, a new plan shall not
6 be adopted and an existing plan shall not be renewed pursuant to
7 this part, except as provided in subdivision (b). A plan adopted
8 before January 1, 2015, shall remain in effect until a groundwater
9 sustainability plan is adopted pursuant to Part 2.74 (commencing
10 with Section 10720).

11 (b) This section does not apply to a low- or very low priority
12 basin as categorized for the purposes of Part 2.74 (commencing
13 with Section 10720).

14 (c) *This section does not apply to a plan submitted as an*
15 *alternative pursuant to Section 10733.6, unless the department*
16 *has not determined that the alternative satisfies the objectives of*
17 *Part 2.74 (commencing with Section 10720) on or before January*
18 *31, 2020, or the department later determines that the plan does*
19 *not satisfy the objectives of that part.*

20 ~~SEC. 12.~~

21 *SEC. 14.* Section 10927 of the Water Code is amended to read:

22 10927. Any of the following entities may assume responsibility
23 for monitoring and reporting groundwater elevations in all or a
24 part of a basin or subbasin in accordance with this part:

25 (a) A watermaster or water management engineer appointed by
26 a court or pursuant to statute to administer a final judgment
27 determining rights to groundwater.

28 (b) (1) A groundwater management agency with statutory
29 authority to manage groundwater pursuant to its principal act that
30 is monitoring groundwater elevations in all or a part of a
31 groundwater basin or subbasin on or before January 1, 2010.

32 (2) A water replenishment district established pursuant to
33 Division 18 (commencing with Section 60000). This part does not
34 expand or otherwise affect the authority of a water replenishment
35 district relating to monitoring groundwater elevations.

36 (3) A groundwater sustainability agency with statutory authority
37 to manage groundwater pursuant to Part 2.74 (commencing with
38 Section 10720).

39 (c) A local agency that is managing all or part of a groundwater
40 basin or subbasin pursuant to Part 2.75 (commencing with Section

1 10750) and that was monitoring groundwater elevations in all or
2 a part of a groundwater basin or subbasin on or before January 1,
3 2010, or a local agency or county that is managing all or part of a
4 groundwater basin or subbasin pursuant to any other legally
5 enforceable groundwater management plan with provisions that
6 are substantively similar to those described in that part and that
7 was monitoring groundwater elevations in all or a part of a
8 groundwater basin or subbasin on or before January 1, 2010.

9 (d) A local agency that is managing all or part of a groundwater
10 basin or subbasin pursuant to an integrated regional water
11 management plan prepared pursuant to Part 2.2 (commencing with
12 Section 10530) that includes a groundwater management
13 component that complies with the requirements of Section 10753.7.

14 (e) A local agency that has been collecting and reporting
15 groundwater elevations and that does not have an adopted
16 groundwater management plan, if the local agency adopts a
17 groundwater management plan in accordance with Part 2.75
18 (commencing with Section 10750) by January 1, 2014. The
19 department may authorize the local agency to conduct the
20 monitoring and reporting of groundwater elevations pursuant to
21 this part on an interim basis, until the local agency adopts a
22 groundwater management plan in accordance with Part 2.75
23 (commencing with Section 10750) or until January 1, 2014,
24 whichever occurs first.

25 (f) A county that is not managing all or a part of a groundwater
26 basin or subbasin pursuant to a legally enforceable groundwater
27 management plan with provisions that are substantively similar to
28 those described in Part 2.75 (commencing with Section 10750).

29 (g) A voluntary cooperative groundwater monitoring association
30 formed pursuant to Section 10935.

31 ~~SEC. 13.~~

32 *SEC. 15.* Section 10933 of the Water Code is amended to read:

33 10933. (a) The department shall commence to identify the
34 extent of monitoring of groundwater elevations that is being
35 undertaken within each basin and subbasin.

36 (b) (1) The department shall prioritize groundwater basins and
37 subbasins for the purpose of implementing this section. In
38 prioritizing the basins and subbasins, the department shall, to the
39 extent data are available, consider all of the following:

40 (A) The population overlying the basin or subbasin.

1 (B) The rate of current and projected growth of the population
2 overlying the basin or subbasin.

3 (C) The number of public supply wells that draw from the basin
4 or subbasin.

5 (D) The total number of wells that draw from the basin or
6 subbasin.

7 (E) The irrigated acreage overlying the basin or subbasin.

8 (F) The degree to which persons overlying the basin or subbasin
9 rely on groundwater as their primary source of water.

10 (G) Any documented impacts on the groundwater within the
11 basin or subbasin, including overdraft, subsidence, saline intrusion,
12 and other water quality degradation.

13 (H) Any other information determined to be relevant by the
14 department.

15 (2) The department, in consultation with the Department of Fish
16 and Wildlife, shall identify and develop prioritization criteria for
17 the purpose of identifying groundwater basins and subbasins that
18 should be prioritized based on adverse impacts to habitat and
19 surface water resources. ~~The~~ *These* criteria shall be incorporated
20 into the determination of basin and subbasin prioritization at the
21 department's next update of basin and subbasin prioritizations that
22 occurs after January 1, 2017.

23 (c) If the department determines that all or part of a basin or
24 subbasin is not being monitored pursuant to this part, the
25 department shall do all of the following:

26 (1) Attempt to contact all well owners within the area not being
27 monitored.

28 (2) Determine if there is an interest in establishing any of the
29 following:

30 (A) A groundwater management plan pursuant to Part 2.75
31 (commencing with Section 10750).

32 (B) An integrated regional water management plan pursuant to
33 Part 2.2 (commencing with Section 10530) that includes a
34 groundwater management component that complies with the
35 requirements of Section 10753.7.

36 (C) A voluntary groundwater monitoring association pursuant
37 to Section 10935.

38 (d) If the department determines that there is sufficient interest
39 in establishing a plan or association described in paragraph (2) of
40 subdivision (c), or if the county agrees to perform the groundwater

1 monitoring functions in accordance with this part, the department
2 shall work cooperatively with the interested parties to comply with
3 the requirements of this part within two years.

4 (e) If the department determines, with regard to a basin or
5 subbasin, that there is insufficient interest in establishing a plan
6 or association described in paragraph (2) of subdivision (c), and
7 if the county decides not to perform the groundwater monitoring
8 and reporting functions of this part, the department shall do all of
9 the following:

10 (1) Identify any existing monitoring wells that overlie the basin
11 or subbasin that are owned or operated by the department or any
12 other state or federal agency.

13 (2) Determine whether the monitoring wells identified pursuant
14 to paragraph (1) provide sufficient information to demonstrate
15 seasonal and long-term trends in groundwater elevations.

16 (3) If the department determines that the monitoring wells
17 identified pursuant to paragraph (1) provide sufficient information
18 to demonstrate seasonal and long-term trends in groundwater
19 elevations, the department shall not perform groundwater
20 monitoring functions pursuant to Section 10933.5.

21 (4) If the department determines that the monitoring wells
22 identified pursuant to paragraph (1) provide insufficient
23 information to demonstrate seasonal and long-term trends in
24 groundwater elevations, the department shall perform groundwater
25 monitoring functions pursuant to Section 10933.5.

26 ~~SEC. 14.~~

27 *SEC. 16.* Section 12924 of the Water Code is amended to read:

28 12924. (a) The department, in conjunction with other public
29 agencies, shall conduct an investigation of the state's groundwater
30 basins. The department shall identify the state's groundwater basins
31 on the basis of geological and hydrological conditions and
32 consideration of political boundary lines whenever practical. The
33 department shall also investigate existing general patterns of
34 groundwater ~~pumping~~ *extraction* and groundwater recharge within
35 those basins to the extent necessary to identify basins that are
36 subject to critical conditions of overdraft.

37 (b) The department may revise the boundaries of groundwater
38 basins identified in subdivision (a) based on its own investigations
39 or information provided by others.

(c) The department shall report its findings to the Governor and the Legislature not later than January 1, 2012, and thereafter in years ending in 5 or 0.

~~SEC. 15.~~

SEC. 17. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

~~SEC. 16.~~

SEC. 18. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SEC. 17.~~

SEC. 19. The Legislature finds and declares that ~~Section 5 11 of this act, which adds Section 5206 to the Water Code and Section 12 of this act, which adds Section 10730.8 to the Water Code,~~ ~~imposes~~ *impose* a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to allow this act to fully accomplish its goals, it is necessary to protect proprietary information submitted pursuant to this act as confidential. Therefore, it is in the state's interest to limit public access to this information.

O